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United Nations Decade of International Law

United Nations Decade of International Law

Report of the Secretary-General

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I. Introduction

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, are, *inter alia*:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. At its forty-fifth session, the General Assembly adopted the programme for the activities to be commenced during the first term (1990-1992) of the Decade (resolution 45/40, annex). Subsequently at its forty-seventh, forty-ninth and fifty-first sessions, the Assembly adopted the programmes for the activities for the second term (1993-1994), the third term (1995-1996) and the final term (1997-1999) of the Decade (resolutions 47/32, 49/50 and 51/157, respectively).

3. At its fifty-second and fifty-third sessions, in its resolutions 52/153 of 15 December 1997 and 53/100 of 8 December 1998, the General Assembly invited all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they had undertaken and to submit such information to the Secretary-General for inclusion in his final report on the implementation of the programme requested in paragraph 8 of resolution 51/157.

4. By a note dated 9 March 1999, the Secretary-General invited Governments to submit updated information on their implementation of the programme. By letters dated 22 February 1999 and 13 April 1999, a similar request was transmitted to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 15 August 1999, replies had been received from eight States: Cook Islands, Cyprus, Estonia, Finland, Jamaica, Portugal, Singapore and United Kingdom of Great Britain and Northern Ireland. Relevant information had also been received from: Office of the United Nations High Commissioner for Human Rights, United Nations International Drug Control Programme (UNDCP), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), Committee on the Peaceful Uses of Outer Space, International Seabed Authority, International Tribunal for the Law of the Sea, United Nations Commission on International Trade Law (UNCITRAL), Food and Agriculture Organization of the United Nations (FAO), International Civil Aviation Organization (ICAO), International Labour Organization (ILO), International Maritime Organization (IMO), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Industrial Development Organization (UNIDO), Universal Postal Union (UPU), World Health Organization (WHO), World Intellectual Property Organization (WIPO), International Atomic Energy Agency (IAEA), World Bank, European Community, Court of Justice of the European Communities, Council of Europe, Organization of American States (OAS), Organization of the Islamic Conference (OIC), Organization for Security and Cooperation in Europe (OSCE), European Space Agency (ESA), International Court of Arbitration of the International Chamber of Commerce (ICC), International Committee of

the Red Cross (ICRC), Hispano-Luso-American Institute of International Law, Institute of International Law, International Bar Association (IBA), International Commission of Jurists, International Institute of Humanitarian Law (IIHL), International Institute of Space Law of the International Astronautical Federation (IISL), World Federation of United Nations Associations (WFUNA).

6. The replies from the above-mentioned States and international organizations are summarized in section II of the present report under the following five headings corresponding to the five main sections of the Decade's programme:[1]

- Promotion of the acceptance of and respect for the principles of international law;
- Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;
- Encouragement of the progressive development of international law and its codification;
- Encouragement of the teaching, study, dissemination and wider appreciation of international law;
- Procedures and organizational aspects.

7. Section III contains information on recent activities of the United Nations in the field of the progressive development of international law and its codification.

8. Pursuant to General Assembly resolution 53/100, paragraph 3, a list of major international conventions adopted under the auspices of the United Nations during the Decade in the field of international law is presented in the annex to the present report.

II. Analytical presentation of information received from States and international organizations

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties[2]

9. The Cook Islands reported that it had signed or acceded to the following conventions:

- United Nations Framework Convention on Climate Change (signed on 12 June 1992);
- Convention on Biological Diversity (signed on 12 June 1992, ratified on 20 April 1993);

[1] The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

[2] Under paragraph 2 of this section of the programme, States were invited to consider, if they had not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties were concluded were invited to indicate whether they published periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they did not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which had not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (signed on 14 January 1993, ratified on 14 July 1994);
- Convention on the Rights of the Child (acceded to on 6 June 1997);
- Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction (signed on 4 December 1997, not yet ratified);
- Comprehensive Nuclear-Test-Ban Treaty (signed on 5 December 1997, not yet ratified);
- United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (acceded to on 20 August 1998);
- Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change (signed on 20 August 1998, not yet ratified).

10. Over 100 international conventions and agreements have been signed or ratified by Estonia since re-establishing its independence in 1991.

11. In accordance with General Assembly resolution 53/100, on 21 December 1998, the Secretary-General deposited an act of formal confirmation of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations. IMO reported that the resolution was to be drawn to the attention of the IMO Council, which was scheduled to meet from 14 to 18 June 1999, so as to decide on the formal participation of IMO in the 1986 Vienna Convention and to authorize the Secretary-General to deposit on behalf of IMO an act of formal confirmation of that Convention. The WIPO Office of Legal and Organization Affairs is currently reviewing the 1986 Vienna Convention with a view to recommending to the Assemblies of member States that they consider authorizing WIPO to accede to the Convention at an early date.

12. UNDCP prepares a monthly status of adherence to the international drug control conventions, i.e., the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol amending the Single Convention on Narcotic Drugs, 1961; the Convention on Psychotropic Substances, 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

13. UNEP submits to each regular session of the Governing Council a report on the status of international conventions and protocols in the field of the environment for its consideration and subsequent transmission to the General Assembly. The most recent report, together with the updated information on the status of the relevant conventions and protocols, will be transmitted to the General Assembly at its fifty-fourth session.

14. The Office of the United Nations High Commissioner for Human Rights drew attention to the high priority placed by the United Nations on universal ratification of the six main multilateral human rights treaties. It also noted that 1999 marked the tenth anniversary of the adoption of the Convention on the Rights of the Child, 1989. The Convention, to which 191 States have become parties, represents a major contribution to international human rights law.

15. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space began its consideration of the item entitled "Review of the status of the five international legal

instruments governing outer space" with a view to proposing mechanisms towards achieving the fullest adherence to the five outer space treaties.

16. ICAO prepared administrative packages for those air law instruments deemed to be of highest priority for ratification. The packages comprised a summary of each instrument containing its full title, its date of adoption, the main reason for its ratification, the current number of parties, the name and address of the depositary and a model instrument of ratification.

17. ICAO reported that the Protocol to amend the Chicago Convention relating to article 3 *bis* on the non-use of weapons against civil aircraft in flight had entered into force on 1 October 1998, having been ratified by the required 102 States. As of 1 March 1999, 104 States had ratified the Protocol. It also provided information regarding the status of application as of 1 March 1999 of other international air law instruments as follows:

- Convention on International Civil Aviation (1944): 185 Parties;
- International Air Services Transit Agreement (1944): 115;
- International Air Transport Agreement (1944): 12;
- Protocol on the Authentic Trilingual Text of the Chicago Convention (1968): 143;
- Protocol for the Amendment of the Final Paragraph of the Chicago Convention (1977): 92;
- Protocol to amend the Chicago Convention introducing article 83 *bis* on Lease, Charter and Interchange of Aircraft in International Operations (1980), entered into force on 20 June 1997: 109;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), entered into force on 21 June 1998: 44 parties;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963): 166 parties;
- Convention for the Suppression of Unlawful Seizure of Aircraft (1970): 168;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971): 169;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988): 87;
- Additional Protocol No. 1 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air 1996 (1975), entered into force on 15 February: 41;
- Additional Protocol No. 2 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, as amended by the Protocol 1955 (1975), entered into force on 15 February 1996: 43;
- Montreal Protocol No. 4 to amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on 12 October 1929, as amended by the Protocol done at The Hague on 28 September 1955 (1975), entered into force on 14 June 1998: 40;
- Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on 12 October 1929,

as amended by the Protocols done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971 (1975): 24.

18. ILO reported that in the period from May 1996 to April 1999, some 324 new ratifications of Conventions had been registered, bringing the total number of ratifications, as at 30 April 1999, to 6,590.

19. Following the discussion of the ILO Director-General's report to the International Labour Conference in 1994, on the occasion of the 75th anniversary of ILO and the World Summit for Social Development (March 1995), the Director-General took the initiative in May 1995 to launch a campaign aimed at the universal ratification of those Conventions considered to be fundamental, i.e. Conventions Nos. 29, 87, 98, 100, 105, 111 and 138 (as at March 1999, 116 new ratifications of these Conventions had been registered since the beginning of the campaign).

20. The International Labour Conference at its eighty-fifth Session (June 1997) adopted, on the basis of a proposal made to that effect by the Governing Body, an Instrument of Constitutional Amendment to enable the Conference to abrogate, by a majority of two thirds of the votes of delegates present, any Convention adopted in accordance with the provisions of article 19 of the Constitution if it appeared that it had lost its purpose or that it no longer made a useful contribution to attaining the objectives of the Organization. As at 3 May 1999, 32 member States, including two States of "chief industrial importance"(China and India) had ratified or accepted the 1997 Instrument of Constitutional Amendment.

21. WIPO is currently promoting adherence to and appropriate implementation of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty adopted at Geneva in 1996. It is envisaged that both instruments will enter into force in the next year or two. WIPO is in the process of developing an accessible database containing up-to-date information on the status of accessions to WIPO-administered treaties and making that database available on the Internet.

22. IAEA reported that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management had been opened for signature on 29 September 1997 in conjunction with the forty-first session of the General Conference of IAEA. By 31 July 1999, 39 States had signed the Convention and 11 had adhered to it. The Convention will enter into force on the ninetieth day after the twenty-fifth instrument of ratification is deposited with IAEA, including the instruments of 15 States that each have an operational nuclear power plant.

23. The European Communities are a contracting party to approximately 150 multilateral agreements, 40 of which are agreements which have been adopted under the auspices of the United Nations. Of these 40 multilateral agreements, the European Community, during the United Nations Decade of International Law, has become a contracting party to 33 of them and, *inter alia*, to all the commodity agreements adopted by the United Nations and to a great number of United Nations multilateral agreements in the field of the environment. The European Communities are now party to numerous multilateral conventions in fields as diverse as trade, customs, fisheries, agriculture, commodities, energy, transport, the environment, science and technology. The Community has already initiated the internal procedures which will lead to their signature of an ever growing number of multilateral conventions.

24. With regard to adherence to international instruments, ICRC has continued to make approaches to States which are not yet party to Protocol I (international armed conflicts) and Protocol II (non-international armed conflicts) additional to the 1949 Geneva Conventions and the 1981 Convention on Prohibitions or Restrictions on the Use of Certain

Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects together with its annexed Protocols, particularly amended Protocol II and the new Protocol IV on Blinding Laser Weapons. It has further mobilized efforts to promote adherence to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its new Second Protocol, the ratification of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Within the framework of these measures, States which have not yet done so are invited to accept the competence of the International Fact-Finding Commission provided for in article 90 of Additional Protocol I. Furthermore, following the adoption of the Rome Statute of the International Criminal Court in July 1998, ICRC started to take steps with a view to promoting its signature and ratification.

25. It is noteworthy that during the United Nations Decade of International Law, 23 States became party to the Geneva Conventions, 63 States became party to the Additional Protocols and 38 States made a Declaration under article 90 of Additional Protocol I accepting the competence of the International Fact-Finding Commission.

26. Adherence to the main instruments of humanitarian law as at 15 June 1999 was as follows:

- Geneva Conventions of 1949 for the protection of war victims: 188 States parties;
  - Additional Protocol I of 1977 (international armed conflicts): 154;
  - Additional Protocol II of 1977 (non-international armed conflicts): 146;
- 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict: 95.
- Acceptance of the competence of the International Humanitarian Fact-finding Commission (art. 90 of Additional Protocol I of 1977): 55;
- 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: 73;
  - Protocol I (non-detectable fragments): 73;
  - Protocol II (mines, booby-traps and other devices): 68;
  - Amended Protocol II (mines, booby-traps and other devices): 37;
  - Protocol III (incendiary weapons): 69;
  - Protocol IV (laser weapons): 39;
- 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: 82.

27. The International Commission of Jurists will continue its work on the International Criminal Court, in particular to campaign for the ratification of the treaty and discourage States from opting out on war crimes. Furthermore, the organization is actively promoting the Optional Protocol to the United Nations Convention against Torture and an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which would manifest the indivisibility of all human rights in that it institutes an individual complaints procedure for violations of economic, social and cultural rights.

28. WFUNA noted that as far as international law is concerned, its role was to promote the ratification and the implementation of various international legal human rights instruments as part of its efforts to establish a People's Movement for the United Nations.

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making[3]

29. The Office of the United Nations High Commissioner for Human Rights offers extensive technical assistance to Governments and civil society to incorporate international human rights standards in national laws, policies and practices, and to build a sustainable national capacity to implement these standards and ensure respect for human rights. These programmes comprise the development of national plans of action for human rights, assistance in legislative reform, electoral assistance, support to help in the establishment of national human rights institutions in keeping with the Paris Principles, human rights assistance to the judiciary, administration of justice, police and military, and parliaments and other legislative bodies. The Office also offers assistance in human rights education, information and documentation, the strengthening of non-governmental human rights organizations, the promotion of economic, social and cultural rights, and of the rights of women.

30. UNEP provides, within available resources, financial support for government officials of developing countries and countries with economies in transition to participate in the negotiation and development of multilateral environmental agreements.

31. UNEP continued to promote the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora by, *inter alia*, distributing the text of the Agreement to all African States and inviting them to become parties to the Agreement. UNEP provided support to its parties for the implementation of the Agreement, such as services for the meetings of the conferences of its contracting parties (the Governing Council of the Lusaka Agreement) held in Nairobi in March 1997 and March 1999, substantive support for the training programmes of enforcement officials of the countries that are parties to the Agreement, and other administrative and programmatic support for the parties.

32. UNEP has continued to provide, upon request, legal advisory services to the Governments of developing countries and countries with economies in transition for the strengthening of their national environmental legislation and related institutions, including those for the implementation of multilateral environmental conventions.

33. The Memorandum of Understanding of the Office of the United Nations High Commissioner for Human Rights and UNDP specifies that UNDP resident representatives and their country teams shall encourage ratification of the six main multilateral human rights treaties in all countries. The promotion of universal ratification also forms one of the key objectives of the joint programme of UNDP and the High Commissioner's Office entitled "Human Rights Strengthening" (or HURIST), agreed to on 8 April 1999. The High Commissioner's Office has encouraged Governments with a serious interest in pursuing ratification or wishing to discuss issues relating to this process, such as the normative content of international human rights treaties and the practical implications of ratification, to participate in HURIST seminars and workshops for public officials concerned.

34. In order to assist executive branches of Governments, parliaments and legislatures using the Model Law on Procurement of Goods, Construction and Services (1993, 1994), UNCITRAL has produced guides to enactment of the Model Laws. At its twenty-seventh session, the Commission also considered the draft guidelines for preparatory conferences

[3] Under paragraph 3 of this section of the programme, States and international organizations were encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

in arbitral proceedings. In 1996, the Commission adopted UNCITRAL Notes on Organizing Arbitral Proceedings, which are designed to assist arbitration practitioners by listing and briefly describing questions on which approximately timed decisions on organizing arbitral proceedings may be useful.

35. In 1998 and 1999, the Commission considered draft chapters of an UNCITRAL Legislative Guide on Privately Financed Infrastructure Projects prepared by the secretariat of UNCITRAL. The purpose of the guide is to assist legislators in modernizing their legislations with a view to facilitating private capital participation in the construction of public infrastructure projects. The guide is expected to be finalized and adopted by the Commission at its thirty-third session in 2000.

36. Throughout the Decade, the secretariat of UNCITRAL has responded to strong appeals for greater dissemination of international trade law texts and for law reform assistance by further increasing its activities of organizing, or participating in, regional and national seminars and of providing legal technical assistance to Governments in their law reform efforts. Unfortunately, in view of the scarcity of human and financial resources, the increase was fairly limited and indeed almost minimal if measured against the amount of requests received.

37. FAO provided a list of 71 ongoing technical assistance projects, representative of those implemented in the final term of the Decade (1997-1999) that relate specifically to the main purpose of "progressive development of international law and its codification".

38. ILO reported on the implementation of the Active Partnership Policy plan introduced in 1994 with the aim of bringing the organization closer to constituents and assisting developing countries in particular with the acceptance and implementation of international labour standards. As part of the Policy, ILO has created and deployed multidisciplinary teams in 14 different offices around the world with a view to improving the delivery of ILO technical cooperation and advisory services. Based on the experience of the first five years, the ILO Governing Body has completed its first independent evaluation of the Active Partnership Policy and is currently considering the possibility of establishing an ongoing monitoring mechanism.

39. By adopting on 19 June 1998 the Declaration on Fundamental Principles and Rights at Work and its follow-up, ILO member States affirmed that, even if they have not ratified the Conventions in question, they have an obligation, arising from the very fact of membership in the organization, to respect, promote and realize the principles concerning the fundamental rights which are the subject of the seven core ILO Conventions, namely: freedom of association, effective recognition of the right to collective bargaining, elimination of all forms of forced and compulsory labour, effective abolition of child labour, and elimination of discrimination in respect of employment and occupation. They also expressly recognized the obligation of the organization itself to assist members in attaining those constitutional objectives. The annex to the Declaration sets out the main lines of a follow-up mechanism, which is now being worked out in the ILO Governing Body in such a way as to preserve its strictly promotional nature, as it is not to be a substitute for the organization's established supervisory mechanisms.

40. IAEA reported that, from 1997 to 1999, the Agency's assistance to member States in the development of nuclear legislation had been strengthened. Three main types of activities for the provision of legislative assistance have been developed: design and provision of training in nuclear law, through seminars and workshops and individual training of persons from member States involved in drafting nuclear legislation; advice on specific nuclear national legislation; and development of reference material for the assessment of

national nuclear regulatory regimes and for the drafting of nuclear legislation. In this respect, during 1997, a comprehensive review of the nuclear legislation in 14 countries of Eastern and Central Europe and the newly independent States was carried out. In 1998, the Agency initiated actions to institute legislative assistance support to the countries of the East Asia and the Pacific region. In 1999, IAEA provided assistance in drafting and/or amending national nuclear legislation in response to a number of requests from member States from Africa, Central and Eastern Europe and the newly independent States, the Middle East and Latin America.

41. Between 1995 and 1998, the European Community supported the participation of important actors, including least developed countries and non-governmental organizations, favouring the establishment of the International Criminal Court, with an overall amount of more than 2,717,000 ECU.

42. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) continued to offer legal assistance in drafting and amending legislation. The purpose of this cooperation with participating States is to bring legal systems into compliance with international human rights standards as expressed in international human rights treaties as well as in OSCE commitments. ODIHR regularly reviews election legislation in preparation for elections and as follow-up to recommendations submitted after elections in OSCE participating States, for example, in Georgia, 1998; Ukraine, 1998; Uzbekistan, 1998; Kazakhstan, 1999; Armenia, 1999; Turkmenistan, 1999. In Central Asia, where the Council of Europe is not active, ODIHR also reviews other legislation.

43. During the final term of the Decade, ODIHR continued its work directed towards an independent judiciary in a State governed by the rule of law. It ran a forum for the judges of Bosnia and Herzegovina, held in Tuzla, on 11 and 12 December 1996, followed by a round table on justice and reconciliation on Bosnia and Herzegovina, jointly organized by the United States Institute of Peace, OSCE/ODIHR and the Council of Europe from 2 to 4 July 1997.

44. ICRC reported that the activities of its Advisory Service on International Humanitarian Law, aimed at providing specialist legal advice to Governments on the implementation of humanitarian law, had greatly expanded, and included a number of national and regional seminars to assess steps to be taken and prepare plans of action in this field. The in-depth analysis of measures to be taken by States to ensure that sanctions for war crimes are included in penal codes and domestic criminal legislation was pursued. A report on the expert conference convened in 1997 on national repression of violations of humanitarian law was published recently. Two further expert meetings were organized on the topic in Geneva in November 1998 and in Madrid in March 1999. In the light of the discussions during these meetings, the Advisory Service started to draw up and publish guiding principles offering lawmakers practical guidance on different technical questions related to the repression of war crimes.

45. Technical advice has also been provided for the drafting of national laws to prevent the misuse of the red cross, red crescent and other emblems protected under humanitarian law. In addition, increasing attention has been given to the drafting of implementing legislation for the 1997 Ottawa Convention on landmines.

46. A collection of implementing humanitarian legislation and other documents is being established by ICRC and may be consulted by any interested party. A database on national implementing legislation is being set up which complements the already existing database on humanitarian law. A first version thereof has been published with the 1999 version of ICRC's CD-ROM on humanitarian law and is also available on the ICRC Web site:

www.icrc.org (English), www.cicr.org (French) and www.cicr.org/spa (Spanish). Consultation of this Web site and its documentation on humanitarian law is free of charge.

47. Meetings between the existing national committees for humanitarian law were arranged in West Africa in 1997 and in Central America in 1998. In 1999, the first meeting of national committees for humanitarian law from European countries was convened in Brussels. Representatives from more than 40 countries shared their experience in the field of the dissemination and implementation of humanitarian law.

48. The guidelines for United Nations forces regarding respect for international humanitarian law proposed by ICRC contain fundamental principles of humanitarian law and, as such, constitute a very good training tool for forces engaged in peacekeeping and enforcement missions.

49. ICRC has taken an active part in discussions in various international forums to promote an enhanced protection and assistance to internally displaced persons. In particular, it has contributed to the analysis of relevant international law undertaken by the representative of the Secretary-General on internally displaced persons and participated in drafting the Guiding Principles on Internal Displacement which the representative presented to the 1998 session of the Commission on Human Rights. ICRC has also sent copies of the Guiding Principles to all its field delegations, together with suggestions on how they might be of use in addressing problems of internal displacement.

50. ICRC is finalizing a model military manual for the armed forces on humanitarian law, which is primarily designed for use by senior officers with tactical responsibilities to facilitate the incorporation of humanitarian law norms, including the protection of the environment, in the operational decision-making process. The manual will be presented at the 27th International Conference of the Red Cross and Red Crescent.

51. In this year of the 50th anniversary of the Geneva Conventions, ICRC has launched a world-wide consultation with the people directly affected by armed conflict, including civilians as well as combatants.

52. IBA has provided and continues to provide some assistance and technical advice to developing countries to facilitate treaty-making and participation in successful treaty arrangements.

53. The International Commission of Jurists pointed out that it contributed to the establishment, in June 1998, of an African Court on Human Rights, by organizing two legal experts' meetings to finalize the drafting of the Additional Protocol to the 1981 African Charter on Human Rights and Peoples' Rights establishing the Court, in 1997.

3. Ways and means of implementation of multilateral treaties[4]

54. Cyprus expressed its concern regarding the non-availability of a procedure for the peaceful enforcement of United Nations resolutions and of a compulsory procedure for adjudication as to whether particular resolutions were mandatory and to what extent. The question of the mandatory nature or otherwise of United Nations resolutions was also raised and Cyprus proposed a conference to be held on the topic, which it would be prepared and

[4] Under paragraph 4 of this section of the programme, States were encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they were parties, regarding the implementation of such treaties. International organizations were similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General was requested to prepare a report on the basis of that information and to submit it to the General Assembly.

honoured to host. With regard to the implementation of the Statute of the International Court of Justice (ICJ), concern was also expressed that, apart from article 66 of the Vienna Convention on the Law of Treaties, there was no compulsory procedure to take legal action on disputes arising out of questions of *jus cogens* to the International Court with the aim of reaching a decision on their peaceful settlement. With regard to the Geneva Conventions and Protocols and their implementation, concern was also expressed that there was no compulsory procedure for application of humanitarian law treaties. Cyprus stated that it fully supported and welcomed the establishment of the International Criminal Court.

55. Estonia reported that, according to its 1992 Constitution, provisions of international law were incorporated into the Estonian legal order. As stated in paragraph 123 of the Constitution, if laws or other legislation of Estonia are in conflict with international treaties ratified by its Parliament, the provisions of the international treaty shall apply. Estonia is also reforming its Criminal Code and democratizing its legal system. This process will take many more years to complete.

56. The Office of the United Nations High Commissioner for Human Rights reported that States parties to a number of multilateral human rights treaties are required to submit reports to the relevant treaty monitoring body concerning implementation of their treaty obligations on a periodic basis, normally every four to five years. Among these obligations are the requirement to collect data to identify the human rights needs of particularly vulnerable groups.

57. The close connection between long-lasting and sustainable human rights protection and respect for the rule of law on the one hand, with the operation of a coherent international criminal law regime on the other, is one reason why the Office has been associated with the work of the Security Council's Commissions of Experts on the former Yugoslavia and on Rwanda.

58. UNEP reported that, in December 1996, senior government officials expert in environmental law from about 70 countries and relevant organizations met in Nairobi for the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II), adopted by the UNEP Governing Council in decision 17/25 of 21 May 1999, and provided observations and recommendations concerning the further implementation of the Programme.

59. UNEP has also developed, as part of the process for the mid-term review of Montevideo Programme II, a position paper on international environmental law aiming at sustainable development, with the assistance of a group of legal experts from countries in different regions. The position paper contains a review of the current status of international environmental law and covers the issues of implementation and compliance, dispute avoidance and settlement, concepts and principles in international environmental law, liability and compensation and priorities for action.

60. UNEP has continued to contribute to the implementation of the United Nations Convention on the Law of the Sea by undertaking programmatic and coordinating activities in related fields, such as those under the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and regional seas agreements and action plans. It has also continued to provide administrative support to multilateral environmental conventions, concluded under its auspices, through their secretariats and in accordance with relevant decisions of the Governing Council and those of the governing bodies of the conventions.

61. In its decision 20/18 B of 5 February 1999, the Governing Council reinforced the mandate of UNEP to support the implementation of the programmes of work of the

multilateral environmental conventions. The UNEP secretariat was requested by the Governing Council, *inter alia*, to make available, upon request, its scientific, technical and legal expertise to assist multilateral environmental conventions in achieving their objectives and, upon request, to further assist developing countries and countries with economies in transition in strengthening their legal and other capacities in implementing such conventions. UNEP has been taking actions to intensify consultation with multilateral environmental conventions, through their secretariats, with a view to identifying areas of common interest and opportunities for synergy in line with the decisions taken under these conventions.

62. The International Seabed Authority is required to establish and keep under periodic review environmental regulations and procedures to ensure the protection and preservation of the marine environment. In addition, the draft Mining Code currently under consideration by the Authority envisages that the Legal and Technical Commission may from time to time issue guidelines for the assessment of potential effects on the marine environment. In order to facilitate the work of the Commission in this regard, in June 1998, the Authority convened a workshop of scientists, policy makers and representatives of potential contractors in Sanya, China, to elaborate draft guidelines.

63. Following up the Fourth World Conference on Women, ILO in June 1997 launched the International Programme for More and Better Jobs for Women with the aim of reinforcing its long-standing priority on promoting employment in conditions of equality and mainstreaming gender concerns in development policies and programmes in the participating countries. To date, national action plans have been completed for six countries with a view to enhancing national capacities and strengthening legal and institutional frameworks for better addressing the quantitative and qualitative aspects of women's employment.

64. UPU reported that, as a result of the work of its twenty-second Congress to be held at Beijing, from 23 August to 15 September 1999, it was expected that the General Regulations, containing provisions for implementing the Convention and the Agreement on postal financial services, would henceforth fall under the exclusive jurisdiction of the Postal Operations Council, composed essentially of public postal service operators.

65. On April 30, WIPO published the final report of a Process whose purpose was to make recommendations to the corporation established to manage the domain name system, the Internet Corporation for Assigned Names and Numbers (ICANN), on certain questions arising out of the interface between domain names and intellectual property rights. The report signalled, in particular, that there was a problem with the abusive registration by non-authorized parties of the names and acronyms of the United Nations and its organizations, and recommended that the problem should be addressed by ICANN. As part of the above-mentioned WIPO Process, 17 consultation meetings were held in 15 different cities throughout the world, and some 300 written submissions were received from Governments, intergovernmental organizations, professional associations, corporations and individuals.

66. IAEA pointed out that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management establishes a mechanism whereby each Contracting Party is obliged to submit for review by meetings of Contracting Parties a report on the measures taken to implement each of the obligations under the Convention.

67. In the field of international environment law, the World Bank, in cooperation with UNDP and UNEP, played a leading role in the successful restructuring of the Global Environment Facility (GEF). The GEF and the World Bank as implementing agency, trustee

and co-sponsor of relevant programmes will continue to strengthen implementation of international environment agreements.

68. From 1995 to 1998, the European Community supported the creation and functioning of the International Tribunals for the former Yugoslavia and for Rwanda with an overall amount of over 8,607,000 ECU.

69. Although most of the treaties elaborated within the Council of Europe contain no provision concerning monitoring, steering committees or other committees set up under article 17 of the Statute of the Council may be entrusted with the task of examining the general operation of treaties falling within their competence. Furthermore, some treaties contain provisions setting up a conventional committee performing such a task.

70. OSCE pointed out that, indirectly or directly, it is the political guardian of far-reaching arms control agreements which can form the basis of a new order of military security in Europe. OSCE also reported that the Code of Conduct on Politico-Military Aspects of Security had been adopted at Budapest in December 1994. The document, reaffirming the continuing validity of the comprehensive concept of security, sets politically binding norms and principles guiding the role of armed forces in democratic societies, relations among States and of States vis-à-vis their nationals in the military field.

71. Both the Treaty on Conventional Armed Forces in Europe (CFE) and the Vienna Document on Confidence and Security-Building Measures are currently undergoing a process of adaptation and further development, while the implementation of the Code of Conduct on Politico-Military Aspects of Security is subject to annual reviews at the OSCE Forum for Security Cooperation in Vienna.

72. The need to identify objective data for use in judging which weapons, by their design, may cause "superfluous injury or unnecessary suffering" has led ICRC to support development of the "SIrUS Project" by a group of medical professionals. The project seeks to build a common understanding of design-dependent injuries which may constitute "superfluous injury and unnecessary suffering".

73. IBA reported that it had undertaken a joint project with UNCITRAL on monitoring implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958. The IBA Section on Legal Practice's Committee on Art and Cultural Law was scheduled to consider the effectiveness of the UNIDROIT Convention at Boston, on 3 June 1999. A conference on the effectiveness of United Nations resolutions was scheduled to be held in London in 1999. Preliminary observations on cross-border information exchanges between antitrust enforcement agencies were issued on 15 April 1999. IBA undertook nationally focused research on the effect and enforceability of the Protocol to the United Nations Framework Convention on Climate Change.

74. In September 1998, the International Commission of Jurists filed the first collective complaint under the 1995 Protocol to the European Social Charter providing for a system of collective complaints, which entered into force on 1 July 1998.

75. The International Secretariat of the International Commission of Jurists receives requests from around the world, including from national sections and affiliated organizations, to protect the human rights of individuals and groups, particularly lawyers and judges. Two methods of action have been developed to respond to these concerns, namely the sending of fact-finding missions and trial observation missions. The Commission was a pioneer in human rights fact-finding and has published reports on the human rights situation and the administration of justice in many countries on all continents. The Centre for the Independence of Judges and Lawyers has intervened with Governments in particular cases of persecution of jurists, and has published periodic reports, including, since 1989,

Attacks on Justice, a yearbook on the harassment and persecution of judges and lawyers throughout the world.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice[5]

1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States

76. No specific comments have been received under this heading.

2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States

77. In accordance with decision 19/20 of the Governing Council, UNEP undertook to prepare a study on dispute avoidance and dispute settlement in international environmental law. The study had been carried out (1998-1999) in collaboration with Vienna University (Austria), Jawaharlal Nehru University (India), the University of British Columbia (Canada) and Moi University (Kenya) and with the assistance of a group of internationally recognized legal experts.

78. The World Bank noted the activities of the International Centre for Settlement of Investment Disputes (ICSID) which, in accordance with the provisions of the 1965 Convention on the Settlement of Disputes between States and Nationals of Other States, provides facilities for the conciliation and arbitration of investment disputes between States parties to the Convention (Contracting States) and nationals of other Contracting States. Once the parties have consented to such conciliation or arbitration, they are bound to carry out their undertaking and, in the case of arbitration, to abide by the award. The Center has since 1978 had a set of "Additional Facility" Rules under which the ICSID secretariat is authorized to administer certain proceedings between States and nationals of other States which fall outside the scope of the Convention. To date, 63 disputes have been submitted to the Centre, 3 of them conciliation cases and the remainder arbitration cases. Through the treaties in particular, entire classes of private parties have been given the right to invoke the ICSID machinery for the resolution of investment disputes with States. This may be seen as extending to the international economic sphere and to corporate entities the trend evident in other areas of giving individuals direct access to international procedures for the settlement of their disputes with States.

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[5] Under paragraph 6 of this section of the programme, States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, were invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

Under paragraph 7 of this section of the programme, noting the establishment of the International Tribunal for the Law of the Sea in October 1996 in accordance with the United Nations Convention on the Law of the Sea, States and other entities referred to in article 20 of annex VI to the Convention were encouraged to consider making use of the Tribunal for the peaceful settlement of disputes in accordance with article 21 of annex VI to the Convention.

79. The Council of Europe pointed out that the European Convention for the Peaceful Settlement of Disputes provides the framework for peaceful settlement of disputes between States members of the Council of Europe.

80. The ICC International Court of Arbitration reported that, during the first year of application of the 1998 ICC Rules of Arbitration, the Court had received its ten-thousandth request and celebrated 75 years of growth. The year 1998 ended with an important overall increase in the Court's activity. If the number of requests filed with the ICC Court follows the pace noted in the first few months of 1998, the figure for 1999 should be well over 500. A total of 1,151 parties came from 104 countries and from all continents. For three consecutive years the proportion of parties from outside Western Europe has been over 50 per cent, reaching 56.3 per cent in 1998 and thus confirming the universality of ICC arbitration. A State or State entity was involved as a party in 10.1 per cent of the cases filed with the ICC Court in 1998 (compared to 8 per cent in 1997, 5.4 per cent in 1996 and 14.1 per cent in 1995). The ICC Court continued in 1998 to handle a fair number of multi-party arbitration cases, as about one new case out of five involved more than two parties. This figure has been stable over the past few years at around 20 per cent.

81. The overall number of cases pending before ICC arbitration tribunals remained above 900 in 1998, a fact with which the Court and its secretariat are coping relatively well. In 1998, a total of 675 arbitrators were appointed in accordance with the ICC Rules, as compared with 745 in 1997. As in 1997, the arbitrators appointed in 1998 were of 62 different nationalities. As concerned the place of arbitration, it was based on the parties' agreement in 81 per cent of the cases set in motion in 1998. In all other cases the place of arbitration was fixed by the Court, in accordance with the ICC Rules. The number of arbitrators was based on an agreement of the parties in 73 per cent of the cases, leaving the matter to the Court's decision in 27 per cent of the cases set in motion in 1998. More than half of the cases are now submitted to a sole arbitrator. With respect to applicable rules of law, these were provided in the contract in 82.1 per cent of the cases submitted in 1998. In about 65 per cent of the cases the rules of law referred to were those of a West European country, whereas only 44 per cent of the parties came from that region.

82. As was the case in 1997, use of ICC conciliation was very limited in 1998, with only seven requests filed under the Rules. The ICC Commission on International Arbitration is currently studying the possibility of furthering ICC involvement in the field of ADR, a process which might eventually lead to a change in the current Rules.

83. The activity of the ICC International Centre of Expertise was modest in 1998 in terms of the number of cases submitted, as only 11 requests were filed. Four of the requests filed with the Centre were made under the Documentary Credit Dispute Resolution Expertise Rules (DOCDEX), which came into force on 1 October 1997.

84. Since 1993, the Institute of International Law has included in its agenda the subject "Judicial and arbitral settlement of international disputes involving more than two States". It was anticipated that this work would be completed in August 1999 at the Berlin session, at which it would be given priority.

85. IBA published in volume 3, No. 1 (April 1998) of its Committee newsletter a paper entitled "Arbitration and ADR", on the role of the Permanent Court of Arbitration. New IBA Rules on the Taking of Evidence in International Commercial Arbitration were submitted for adoption at IBA's Council Meeting on 1 June 1999. In October 1998, IBA published a paper entitled "Litigation and Arbitration in Central and Eastern Europe".

86. IBA pointed out that some form of international guidance may need to be developed to encourage the use of ombudsmen as a means of dispute resolution. It reviewed the subject in Vancouver in September 1998.

C. Encouragement of the progressive development of international law and its codification[6]

87. The Office of the United Nations High Commissioner for Human Rights was actively involved in the Preparatory Committee process leading up to the United Nations Diplomatic Conference of Plenipotentiaries to Establish an International Criminal Court as well as during the Rome Conference itself, encouraging delegations to adopt more responsible positions vis-à-vis international human rights standards.

88. The Executive Director of UNEP was requested by the Governing Council to undertake a process for the preparation of a new programme for the development and periodic review of environmental law for the first decade of the new millennium. As part of this process, during the second half of 2000, UNEP will convene a meeting of senior government officials expert in environmental law. The draft programme is expected to be submitted for adoption at the twenty-first session of the Governing Council, to be held in February 2001.

89. FAO submitted a list of 17 conventions and agreements that have been adopted or amended during the period 1990-1999, as follows:

Conventions and agreements concluded under article XIV of the FAO Convention

- Agreement for the Establishment of the Asia-Pacific Fishery Commission (1948) (amended in November 1994 and again 1 June 1997);
- Agreement for the Establishment of a General Fisheries Commission for the Mediterranean (1949) (amended in November 1997);
- International Plant Protection Convention (1951) (amended in June 1997);
- Constitution of the European Commission for the Control of Foot-and-Mouth Disease (1953) (amended in November 1997);
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993);
- Agreement for the Establishment of the Indian Ocean Tuna Commission (1993).

[6] Under paragraph 9 of this section of the programme, international organizations, including the United Nations system of organizations and regional organizations, were invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General was requested to prepare a report on relevant activities of the United Nations (see sect. III below).

Under paragraph 10 of this section of the programme, States were invited, on the basis of the information mentioned in paragraph 9, to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

Conventions and agreements concluded outside the framework of FAO in respect of which the Director-General exercises depositary functions

- International Convention for the Conservation of Atlantic Tuna (1996) (Protocol amending Convention adopted in June 1992);
- Convention on the Conservation of the Living Resources of the South-East Atlantic (1969) (Protocol of Termination of the Convention adopted in July 1990);
- Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development for the Near East (1983) (amended in October 1993);
- Agreement for the Establishment of the Intergovernmental Organizations for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (1985) (amended in December 1995);
- Agreement on the Network of Aquaculture Centres in Asia and the Pacific (1988) (amended in December 1992);
- Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean (1991);
- Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (1991);
- Agreement for the Establishment of the Near East Plant Protection Organization (1993);
- Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (1993) (amended in March 1995);
- Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (1994);
- Convention for the Establishment of the Lake Victoria Fisheries Organization (1994) (amended in November 1998).

90. FAO reported that it had been an active United Nations system participant in the work of the United Nations High Commissioner for Human Rights and the Committee on Economic, Social and Cultural Rights, making substantive inputs to the 2 expert consultations of the High Commissioner and to the General Comment on the right to food, adopted by the Committee on 11 May 1999.

91. ICAO reported that the World-Wide Communications, Navigation and Surveillance/Air Traffic Management (CSN/ATM) Systems Implementation Conference was held in Rio de Janeiro from 11 to 15 May 1998 under the auspices of ICAO. Taking into account the conclusions and recommendations of the Conference, the thirty-second Session of the Assembly adopted two resolutions, resolution A32-19, Charter on the Rights and Obligations of States relating to Global Navigation Satellite System (GNSS) Services", and resolution A32-20, Development and Elaboration of an Appropriate Long-term Legal Framework to Govern the Implementation of GNSS".

92. The Secretariat Study Group on Unruly Passengers established by the ICAO Council by decision of 6 June 1996 held its 1st meeting on 25 and 26 January 1999 and adopted a number of conclusions and recommendations which it reported to the Council.

93. A preliminary draft Protocol on Matters Specific to Aircraft Equipment has been developed by UNIDROIT with the participation of ICAO to complement a preliminary draft Convention on International Interest in Mobile Equipment, which was also developed by UNIDROIT. The 32nd Session of the Assembly urged the ICAO Legal Committee to further

work jointly with UNIDROIT to finalize the draft texts with a view to their submission to a Diplomatic Conference at the earliest possible date. Subsequently, a Legal Subcommittee was established by the Chairman of the ICAO Legal Committee to study, jointly with the UNIDROIT Committee of Governmental Experts, the draft instruments. The first meeting of the Subcommittee established for this purpose was held from 1 to 12 February 1999.

94. The following international legal instruments were adopted under ICAO auspices from 1990 to the present:

- Protocol Relating to an Amendment to article 50 (a) of the Convention on International Civil Aviation, signed at Montreal on 26 October 1990;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991 (in force on 21 June 1998);
- Protocol relating to an Amendment to the Convention on International Civil Aviation (Final Clause, Arabic Text), signed at Montreal on 29 September 1995;
- Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation (Chicago, 1944), signed at Montreal on 29 September 1995;
- Protocol relating to an Amendment to the Convention on International Civil Aviation (Final Clause, Chinese Text), signed at Montreal on 1 October 1998;
- Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation (Chicago, 1944), signed at Montreal on 1 October 1998;
- Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal on 28 May 1999.

95. As at May 1999, ILO has adopted 181 Conventions and 189 Recommendations. Since ILO's last report in June 1996, four new International Labour Conventions and five new International Labour Recommendations have been adopted. At its eighty-fourth (Maritime) Session (October 1996), the International Labour Conference adopted the Labour Inspection (Seafarers) Convention (No. 178) and Recommendation (No. 185), the Recruitment and Placement of Seafarers Convention (No. 179) and Recommendation (No. 186), the Seafarers' Hours of Work and the Manning of Ships Convention (No. 180) and Recommendation (No. 187), and a Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976. At its eighty-fifth Session (June 1997), the International Labour Conference adopted the Private Employment Agencies Convention (No. 181) and Recommendation (No. 188). At its most recent eighty-sixth Session, in June 1998, the Conference adopted, in addition to the Job Creation in Small and Medium-Sized Enterprises Recommendation (No. 189), the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.

96. The ILO Declaration on Fundamental Principles and Rights at Work, the third solemn declaration to be adopted by the Conference, marks the culmination of a process set in motion at the beginning of the Decade aimed at singling out certain core labour rights the acceptance and implementation of which should be pursued as a matter of priority.

97. In March 1999, a document was prepared examining how private-sector initiatives, such as codes of conduct, might be integrated into ILO's work in the light of the Organization's constitutional mandate and fundamental purposes, and the strategic objectives set forth in the 2000-2001 Programme and Budget.

98. With reference to the fight against child labour, ILO has made considerable progress in the last three years concerning new standard-setting in this field. The Organization's Governing Body had decided in March 1996 to include child labour on the agenda of the 1998 session of the International Labour Conference with a view to elaborating a Convention

on the elimination of certain most exploitative forms of child labour. Pursuant to that decision, the Conference at its eighty-seventh Session (June 1999) adopted the Convention Banning the Worst Form of Child Labour.

99. UPU reported that the twentieth Universal Postal Congress had been held in Washington, D.C., from 13 November to 14 December 1989. The Acts signed on that occasion entered into force on 1 January 1991, replacing the Acts adopted at the Hamburg Congress in 1984. The function of depositary for the Acts was transferred from Switzerland to the Director-General of the UPU International Bureau; approval authority for Agreements and Detailed Regulations under the Universal Postal Convention was transferred from the Congress to the Executive Council; the Executive Council was authorized to amend the Detailed Regulations between Congresses in cases of urgent need. The twenty-first Universal Postal Congress, held in Seoul in 1994, undertook a thorough overhaul of the Universal Postal Convention with a view, firstly, to speeding up the process of amending the international regulations in case of need without reference to the Congress when no fundamental principles are involved; and, secondly, to meeting the need for clear, simple and flexible regulations for operating international postal services. The twenty-second Universal Postal Congress was scheduled to be held in Beijing, from 23 August to 15 September 1999. The matters on which it would have to take a decision included a new version of the Universal Postal Convention incorporating provisions on the postal parcels service. There are also plans to combine the Agreements on postal financial services into one Agreement. The UPU legislative system will be very much simplified as a result, henceforth comprising only the following Acts: the UPU Constitution of 1964, with its additional protocols; the General Regulations; the Universal Postal Convention; and an Agreement on postal financial services.

100. In May 1999, the World Health Assembly adopted resolution WHA52/18 as a further step towards initiating the development of a WHO framework convention on tobacco control. This is the first time that the Health Assembly has exercised its authority under article 19 of the WHO Constitution, providing for it to adopt conventions or agreements on any matter within the Organization's competence. In addition, the International Health Regulations, adopted by the twenty-second World Health Assembly in 1969 and amended at sessions in 1973 and 1981, by its resolutions, provide the regime for continuing surveillance and control measures to reduce and eliminate the spread of infectious disease and to minimize interference with world traffic.

101. As reported in the norm-setting area by the WIPO secretariat, the Trademark Law Treaty entered into force in August 1996. Following discussions with the Treaty Section of the United Nations Secretariat on the electronic registration of treaties, and pursuant to Article 102 of the Charter of the United Nations, WIPO registered the Trademark Law Treaty with the Treaty Section of the United Nations Secretariat in 1998. Other treaties registered with the United Nations Secretariat in the final term of the Decade include the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, which entered into force in December 1995.

102. The WIPO Diplomatic Conference on Certain Copyrights and Neighbouring Rights Questions, convened by the Director General of WIPO, was held at Geneva from 2 to 20 December 1996. The Diplomatic Conference adopted two treaties, namely, the WIPO Copyrights Treaty and the WIPO Performances and Phonograms Treaty. The new treaties clarify existing rights or establish new rights for authors, performing artists (mainly in the aural fixation of their performances) and producers of sound recordings, especially when their works, fixed sound performances or phonograms are used by digital means, as on the Internet.

103. A Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs was scheduled to be held at Geneva from 16 June to 6 July 1999 under the auspices of WIPO. The objective of the Diplomatic Conference was to negotiate and adopt a new Act (and Regulations under that new Act) of the Hague Agreement concerning the International Deposit of Industrial Designs.

104. In September 1999, WIPO will convene a Conference on Intellectual Property and Electronic Commerce. The Conference will address the impact of electronic commerce on intellectual property and will include plenary and workshop sessions on general developments in electronic commerce and their implications for the progressive development and codification of intellectual property law.

105. IAEA reported that a Diplomatic Conference held from 8 to 12 September 1997 adopted the Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage and the Convention on Supplementary Compensation for Nuclear Damage. The IAEA Director General is depositary for both instruments. The two new instruments incorporate progressive developments in the legal, technical and economic aspects of nuclear liability that have taken place since the adoption of the Vienna and Paris Conventions. Over the last two years, the international nuclear non-proliferation regime has been strengthened through the development of a new model legal instrument. The Model Additional Protocol was developed by the States members of IAEA as a standard to be used in concluding protocols additional to Safeguards Agreements between IAEA and States having undertaken comprehensive non-proliferation commitments.

106. The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention) was adopted on 5 September 1997, after two years of *travaux préparatoires*, by 84 States at a Diplomatic Conference convened at Vienna by IAEA.

107. The World Bank pointed out that arbitral tribunals of the International Centre for Settlement of Investment Disputes had contributed to the development of international economic law, through the elucidation in their awards of jurisdictional and applicable law issues and such substantive questions as compensation for expropriation. The Bank reported that its Inspection Panel, established in 1993, contributes to the development of international law in three ways. Firstly, it constitutes a further extension of procedural rights to entities other than States in international law. The beneficiaries of such extension are local communities of persons or locally organized groups directly affected by Bank-financed projects. Secondly, the procedural rights given to such groups relate to actions of an international organization. Thirdly, to the extent that the Inspection Panel's functions extend to projects financed through trust funds administered by the Bank, secondary trust beneficiaries (locally affected groups) would be entitled to invoke the Bank's fiduciary duties as the trustee of such funds, in so far as such duties are embodied in the policies and procedures reviewed by the Panel. This may bring the international law of trust a step closer to domestic trusts as known in common law legal systems.

108. OAS adopted an Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. The Convention was adopted by the OAS General Assembly at its twenty-fourth special session in 1997. The twenty-sixth regular session of the OAS General Assembly convoked the Sixth Inter-American Specialized Conference on Private International Law (CIDIP-VI). The first meeting of the Group of Experts was held in December 1998, and the three topics upon which further work will be pursued are: standardized commercial documentation for international trade, with particular reference to the Inter-American Convention on Contracts

for the International Carriage of Goods by Road, and the possible incorporation of an additional protocol on bills of lading; international loan contracts of a private nature; and conflict of laws on extra-contractual liability with an emphasis on competency of jurisdiction and applicable law with respect to civil international liability for transboundary pollution. Two further Group of Experts meetings will be held in 1999 and 2000 prior to the CIDIP-VI Conference.

109. OAS has been preparing a draft Inter-American Convention on the Elimination of All Forms of Discrimination by Reason of Disability, which was scheduled to be presented for discussion and adoption at the twenty-ninth regular session of the OAS General Assembly in June 1999. Work is also proceeding on a proposed American Declaration on the Rights of Indigenous Populations. A meeting of Government Experts was held in February 1999 to discuss its text. In 1997, the twenty-seventh regular session of the OAS General Assembly adopted the Inter-American Program for the Development of International Law. The Program deals with various aspects regarding the development of international law.

110. OAS reported that the Inter-American Juridical Committee had been very active over the past number of years. Since 1997, the Committee has examined a number of important themes, including: model legislation on illicit enrichment and transnational bribery; the draft Inter-American Convention on the Elimination of All Forms of Discrimination by Reason of Disability; the enhancement of the administration of justice in the Americas; freedom of information; the draft American Declaration on the Amendments Rights of Indigenous Peoples; a request seeking a legal opinion on the draft Protocol of Amendment to the Charter of the OAS and draft resolution for amendment of the American Declaration of the Rights and Duties of Man; democracy in the inter-American system; the centennial of the 1899 International Peace Conference; the application of the United Nations Convention on the Law of the Sea by the States of the hemisphere.

111. OAS provided the following list of major conventions which it had adopted during the Decade:

- Protocol to the American Convention on Human Rights to Abolish the Death Penalty (A-53), adopted at Asunción on 8 June 1990;
- Inter-American Convention to Facilitate Disaster Assistance (A-54), adopted at Santiago on 7 June 1991;
- Inter-American Convention on Mutual Assistance in Criminal Matters (A-55), adopted at Nassau, Bahamas, on 23 May 1992;
- Agreement establishing the Inter-American Institute for Global Change Research (C-19), adopted at Montevideo on 13 May 1992;
- Protocol of Amendment to the Charter of the Organization of American States, "Protocol of Washington" (A-56), adopted at Washington, D.C. on 14 December 1992;
- Optional Protocol related to the Inter-American Convention on Mutual Assistance in Criminal Matters (A-59), adopted at Managua, on 11 June 1993;
- Protocol of Amendment to the Charter of the Organization of American States, "Protocol of Managua" (A-58), adopted at Managua on 10 June 1993;
- Inter-American Convention on Serving Criminal Sentences Abroad (A-57), adopted at Managua on 9 June 1993;
- Inter-American Convention on the Law Applicable to International Contracts (B-56), adopted at Mexico City on 17 March 1994;

- Inter-American Convention on the Forced Disappearance of Persons (A-60), adopted at Belém do Pará, Brazil on 9 June 1994;
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará" (A-61), adopted at Belém do Pará, Brazil on 9 June 1994;
- Inter-American Convention on International Traffic in Minors (B-57), adopted at Mexico City on 18 March 1994;
- Inter-American Convention on the International Amateur Radio Permit (A-62), adopted at Montrouis, Haiti on 8 June 1995;
- Inter-American Convention against Corruption (B-58), adopted at Caracas, on 29 March 1996;
- Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (A-63), adopted at Washington, D.C. on 14 November 1997.

112. The General Secretariat of OIC has completed the elaboration of a draft OIC Convention for Combating International Terrorism.

113. ESA representatives have played a central role in the negotiations on the new Space Station Intergovernmental Agreement, signed on 29 January 1998 by 15 States, which constitutes a significant contribution to the development of public international law applicable to space. Among other things, the Agreement outlines a comprehensive legal regime that will govern various aspects of the activities to be carried out in outer space in the next 10 to 15 years by astronauts in the permanently inhabited International Space Station. ESA continuously conducts a debate with its member States on how to improve space law. The Agency seeks to coordinate European positions prior to meetings by the Legal Subcommittee of the Committee on Peaceful Uses of Outer Space. Recently many efforts have been made to give the Subcommittee a new impetus. One proposal was to suggest to the ESA member States that they accept a reinforcement of the Claims Commission in the Convention on International Liability for Damage Caused by Space Objects.

114. ICRC set up a Steering Committee to guide the study on customary rules of humanitarian law applicable in international and non-international armed conflicts, and research was started in 1996. The work so far has resulted in six consolidated reports containing a structured summary of all State practice gathered and six executive summaries containing the preliminary assessment of the Steering Committee as to what appears to be customary with a brief explanation as to why. In 1999, two meetings of some 50 governmental and academic experts were held to discuss this preliminary assessment. The final ICRC report will be published in early 2000 together with the consolidated reports. Once published, the study will be particularly useful for cases where States have not ratified the 1977 Protocols additional to the Geneva Conventions or in cases of non-international armed conflict where few treaty rules exist.

115. ICRC actively participated in the negotiating process which finally led to the adoption of the Rome Statute in July 1998 establishing a permanent International Criminal Court. ICRC welcomed the text of the Statute, but pointed out that no time should be lost in drawing up the annex concerning the use of weapons which are of a nature to cause superfluous injury or unnecessary suffering or which are indiscriminate, especially weapons of mass destruction. The consolidation of the ban on the use of antipersonnel mines and blinding

weapons should, moreover, allow for the recognition of the prohibited use of those weapons as a war crime in the first revision of the Statute.

116. ICRC expressed concern about the lack of specific provisions mentioning the use of famine, indiscriminate attacks and prohibited weapons. ICRC considered it unfortunate that the Statute also gives States the possibility to exclude jurisdiction for war crimes for a period of seven years after the entry into force for the State concerned. ICRC deplored this setback and hopes that States will restrain themselves from using this option. ICRC has offered its assistance to the Preparatory Commission for the International Criminal Court, in particular in helping to define the elements of crimes with respect to war crimes. To that effect, ICRC prepared a study to be used as a reference document.

117. The Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was adopted at The Hague on 26 March 1999. This was the culmination of several years of preparatory work. ICRC actively participated in the elaboration of the new treaty, both before and during the diplomatic conference. The Convention was opened for signature on 17 May 1999 at The Hague.

118. The codification and development of international law being goals of the Decade, the Institute of International Law decided to focus on the topic of the environment; accordingly, in 1991 it established the approach to be taken to work on the topic (*Yearbook* of the Institute of International Law, 64-II, p. 408). Two years later, it decided to focus on work on a general resolution and on two texts on specific issues (*Yearbook*, 65-II, 67-II, pp. 88 and 109). The three Strasbourg resolutions, adopted in 1997 (*Yearbook*, 65-II, pp. 476, 486 and 514), were the outcome. Their titles are: "Environment", "Responsibility and liability under international law for environmental damage" and "Problems relating to the adoption and implementation of rules in the field of the environment".

119. IBA reviewed various international instruments relevant to the work of UNCITRAL. IBA has also produced the IBA Model Guidelines on the Non-discriminatory Practice of Law, adopted the IBA Cross-border Insolvency Concordat; and will be reviewing future priorities in its role in leading policy on the problems of a globalized economy and a legal profession "*sans frontières*". In 1998, IBA approved a revised international Code of Ethics. IBA representatives have been working on banking law, as well as on legal instruments dealing with the rights of the child and the rights of women.

120. IBA was represented in September 1997 during the development of a draft Convention under the auspices of a Special Commission of the Hague Conference on Private International Law on the protection of adults under some form of incapacity. Representatives of IBA, *inter alia*, participated in the drafting of a draft Convention on International Jurisdiction on the Effects of Foreign Judgements in Civil and Commercial Matters and organized seminars on specific clauses, such as the choice of court provision and the forum non-conveniens provision.

121. A draft treaty on telemedecine is in the course of preparation by IBA. Its objective would be to govern the application of telemedecine across national borders. IBA suggested that this could be taken up by the World Health Organization. Draft treaties were proposed by IBA to cover the following subjects: the use of electronic mail, telecomputer legal management, the year 2000 and the Web. IBA expressed the view that they could be taken up by UNCITRAL's working group on electronic commerce.

122. IBA proposed to draft model statutes on substantive insolvency and on the remedies of secured creditors and has under consideration proposals for international law reform for secured transactions which in its view could form part of UNCITRAL'S future work schedule. IBA is participating as an observer in the work of UNCITRAL's Working Group

on International Contract Practices to develop a draft Convention establishing a uniform law on assignment in receivables financing. An IBA Conference in conjunction with UNCITRAL will be held at Vienna on 6 December 1999.

123. The International Commission of Jurists currently participates in or supports in various United Nations forums the drafting and adoption of new instruments such as: the Convention on the Protection of All Persons from Enforced Disappearance; and the Basic Principles and Guidelines on the Right to Restitution, Compensation, and Rehabilitation for Victims of Gross Violations of Human Rights and Humanitarian Law. At the regional level, in Africa, in March 1998, a Regional Seminar on Economic, Social and Cultural Rights was organized in Abidjan jointly with the African Development Bank. The promotion and protection of economic, social and cultural rights were reaffirmed in the final document known as the "Law of Abidjan". The drafting of an African Convention against Corruption was recommended. Such an instrument would constitute a very important innovation in the context of economic and social rights at the regional level. The Commission furthermore participated in, and continued to support, the drafting and adoption of an Additional Protocol to the African Charter on the Rights of Women. In Europe, the Commission is currently following progress in the drafting of an additional Protocol to article 14 of the European Convention on Human Rights concerning non-discrimination.

124. In 1993, the International Commission of Jurists supported placing the topic of the creation of an international criminal court on the agenda of the World Conference on Human Rights. The Commission actively participated in the Ad Hoc Committee and the Preparatory Committee for the Establishment of an International Criminal Court in New York. During the course of the 1998 United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome, the Commission issued three briefs on: definition of crimes; exercise of jurisdiction and complementarity; and final clauses and Final Act.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law[7]

125. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law is an ongoing Programme and covers a wide range of activities. Under the Programme, fellowships continue to be awarded on an annual basis, from voluntary funds, to those whose applications are reviewed, based on established criteria, by selection committees set up for each fellowship programme. Fellowship programmes include the Geneva International Law Seminar, held in conjunction with the annual sessions of the International Law Commission; the International Law Fellowship Programme, held at the Hague Academy of International Law in the Netherlands; and the

[7] Under paragraph 14 of this section of the programme, States and other public or private bodies were encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Under paragraph 17 of this section of the programme, States, international organizations and professional and academic institutions should consider making available materials to the United Nations audio-visual library on international law proposed by Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Hamilton Shirley Amerasinghe Memorial Fellowship, fellows of which study at a participating university/institution.

126. The United Nations audio-visual library on international law is still in the preliminary stages of operation. Tapes are being obtained and catalogued. Distribution of the tapes to interested Governments and educational institutions should begin in the near future.

127. The Court of Justice of the European Communities submitted the English version of a cassette on the Court for the United Nations audio-visual library on international law. This is also available in the other 10 official languages of the Communities. In addition, a CD-ROM is also in preparation, again in all 11 official languages.

128. IBA contributed to the strengthening of the programme of assistance in teaching and training and participated in the work on legislative guides such as the draft UNCITRAL legislative guide on build-operate-transfer (BOT). The draft chapters so far proposed were considered by UNCITRAL at a meeting in New York from 1 to 5 June 1998.

2. Promotion of the teaching of international law for students and teachers at schools and at higher educational levels and international cooperation for that purpose[8]

129. Finland reported that annually some 80 students, half of them from abroad, had attended the Seminar of International Law organized by University of Helsinki and Erik Castrén Institute of International Law and Human Rights. Since 1992, the Ministry for Foreign Affairs has financially supported the Seminar on an annual basis. The Institute for Human Rights of the Åbo Akademi University, Eric Castrén Institute of International Law and Human Rights and the European Institute for Crime Prevention and Control, affiliated with the United Nations, have organized various courses and seminars and issued publications related to international law within their fields of activity. Furthermore, the law faculties at the University of Helsinki, the University of Lapland, the University of Turku and the Institute for Human Rights of the Åbo Akademi University have a long tradition of providing courses on international law. Finally, the law faculty of the University of Helsinki has introduced within its Master of Laws programme courses in international law for students studying political sciences and other relevant disciplines.

130. The European Community indicated that in the first year of the United Nations Decade for Human Rights Education, nearly ECU 10 million went to initiatives intended to promote democracy in civil society through education and training. The European Community has

[8] Under paragraph 15 of this section of the programme, States and law faculties of higher educational institutions were encouraged to include international law as a core subject in their curricula, as well as to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 16, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 20, cooperation was encouraged among developing countries, as well as between developed and developing countries, in particular among those persons who were involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law.

supported the promotion of human rights education through different kinds of projects. An overall amount of nearly ECU 15,940,000 has been contributed.

131. OSCE/ODIHR provided technical assistance and an international expert teaching international human rights law and developing course material in the Albanian language on international human rights with the aim of institutionalizing international human rights law in the law school curriculum.

132. Whereas in the past ICRC generally addressed to law faculties its message with regard to the dissemination of humanitarian law, it is now targeting additional disciplines, including international relations and journalism. In 1998, ICRC increased the number of its programmes, deploying around 15 delegates specializing in this type of instruction in Geneva and in the field.

133. ICRC provided support for the traditional summer courses for students from Europe and North America. In 1998, the English-language course, organized jointly with the Polish Red Cross in Warsaw, was attended by 29 students from 19 countries, and the French-language course, organized by the French Red Cross, was held in Lyon and was attended by 35 participants from 15 countries. With the support of the Hauser Foundation, ICRC brought together a group of around 30 academics from all over the world for an initial course held in Geneva in August 1998. Similar courses, organized at the national or regional level, were also held in the Russian Federation, Uzbekistan, Pakistan and Kenya. ICRC organizes the De Martens Moot Court Competition in St. Petersburg and is associated with the organization of the annual Jean Pictet International Humanitarian Law Competition. The main event of 1998 was the first seminar organized jointly by the Harvard Human Rights Program of Harvard Law School and ICRC, which was attended by around 25 high-level participants. In addition, ICRC cooperated with the Paris-based International Law 90 Research Centre to set up a Web site forum on humanitarian law (accessible via the ICRC Web site).

134. The composition of the standard series of humanitarian law documents distributed by ICRC was completely revised, model courses were drawn up for delegations and interested universities, and work continued on the publication of a collection of practical cases relating to humanitarian law. Finally, ICRC's *International Review of the Red Cross* continued to play an important role in the dissemination of humanitarian law in academic circles.

135. The relevant programmes set up locally by ICRC delegations, often in cooperation with National Societies, continued in 1998 and 1999, notably in the countries of the former Yugoslavia, Jordan and Guinea. In the republics which emerged from the former Soviet Union, the relevant programmes conducted in secondary schools since 1994 were diversified in 1998.

136. ICRC, in partnership with outside experts, launched a project to produce multimedia teaching modules and to circulate them at an international level. The initial versions will be finished by the end of 2000, when they will be distributed to formal and informal educational networks through the National Societies and ICRC. UNICEF and ICRC jointly produced a module entitled "The Violence of Exploitation, the Exploitation of Violence".

137. IBA reported that it had devised a basic course on international business law which had been very successful. During its first period of operation the course was held eight times in five continents. The Human Rights Institute is producing a training manual for judges and lawyers, working closely with the United Nations High Commissioner for Human Rights. IBA's Educational Trust has sponsored scholarships and training courses. HRI gave

financial support to the Fourth All-African Human Rights Moot Court Competition held in Mozambique from 28 September to 3 October 1998.

138. IBA issued a report to the United Nations High Commissioner for Human Rights, dated 1 September 1997. The report identified a number of programmes initiated by HRI designed to assist in teaching and training regarding human rights issues among the legal profession, judiciary and those involved in the administration of justice worldwide.

3. Organization at the national, regional and international level of symposia, conferences, seminars, lectures and meetings on selected topics or themes of international law[9]

139. To commemorate the Decade, the Ministry of Foreign Affairs of Finland organized in August 1998, together with the Erik Castrén Institute of International Law and Human Rights established under the auspices of the University of Helsinki in March 1998, a symposium under the general title "Global Governance, the United Nations and International Law". The symposium was addressed by the President of Finland and brought together experts, scientists and diplomats to discuss the role of the United Nations in the development of a law-governed global community. In November 1999, the Ministry of Foreign Affairs of Finland will organize, together with the Erik Castrén Institute and the Institute for Human Rights of the Åbo Akademi University, a symposium on international humanitarian law under the title "The Post-War Peace System: The End of an Era?" In October 1997, the Ministry of Foreign Affairs financially supported the Colloquium on the progressive development and codification of international law organized by the United Nations Office of Legal Affairs.

140. Jamaica reported that panel discussions had been organized in Jamaica on the topic "Jamaica's international law and treaty obligations", with specific focus on maritime, trade/investments and the environment. Four seminars were also held under the following topics: "The importance of Jamaica's membership in multilateral organizations"; "The need for awareness regarding the growing body of international law in determining national interests"; "The relevance of international law to Jamaica's foreign policy"; and "Aspects of foreign trade law of particular importance to Jamaica in the coming millennium".

141. The Government of Portugal held a Conference on International Law at Lisbon in January 1999. The Conference was organized by the Ministry of Foreign Affairs with the participation of the main national universities and Portuguese judges in international courts, and was open to students and other interested persons on the subject of international law and international relations.

142. An international conference on "Crime and Technology - Challenges for the 21st Century" was organized in Singapore from 14 to 16 October 1998 by the Attorney-General's Chambers. Twenty-two speakers presented papers on the theme to over 200 delegates from eight countries.

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[9] Under paragraph 13 (b) of this section of the programme, States, the United Nations system of organizations, regional organizations and institutions referred to in the programme, should encourage the organization at the national, regional and international level of symposia, conferences, seminars, lectures and meetings on selected topics or themes of international law during the remaining years of the Decade to celebrate the end of it. Suggested topics for consideration could include, without limiting other suggestions, the contribution of the United Nations to international law; more effective means of implementing the rules of international law; merits or otherwise of treaties and other forms of instruments such as resolutions, declarations and so on; future topics for the International Law Commission; and the role of the International Court of Justice in the settlement of disputes and advisory opinions.

143. The United Kingdom hosted a two-day seminar on "The Future Work of the International Law Commission" to commemorate the fiftieth anniversary of Commission.

144. At the Hague Appeal for Peace Conference, the Office of the United Nations High Commissioner for Human Rights participated in panel discussions on: the International Criminal Court; the problem of mercenaries; the question of the legality of humanitarian intervention; and the connection between human rights, individual criminal responsibility under international law and a culture of peace.

145. In conjunction with its twenty-fifth session, UNCITRAL held a Congress from 18 to 22 May 1992 on the theme "Uniform Commercial Law in the Twenty-first Century". The presentations by 70 speakers contained a wealth of suggestions and ideas for future work by UNCITRAL, including work on international commercial arbitration, cross-border insolvency, electronic commerce and trade financing. During the period of the Decade, the UNCITRAL secretariat organized an average of 10 national seminars per year.

146. Parallel to publication and documentation services, ILO arranges every year an extensive programme of seminars, courses and meetings at the regional level relating to the teaching, study and dissemination of international labour standards. In March 1999, for instance, the Governing Body approved as many as 45 different symposia, seminars and similar meetings to be held until the end of the year.

147. Several divisions and units of the WIPO Secretariat continued to organize conferences, training workshops and other meetings directed at increasing and promoting acceptance of and respect for the principles of intellectual property law worldwide.

148. IAEA together with the European Commission cooperated with the Nuclear Energy Agency of the Organization for Security and Cooperation in Europe (OSCE) in organizing an international symposium entitled "Reform of Civil Nuclear Liability", hosted from 31 May to 3 June 1999 in Budapest by the Hungarian Atomic Energy Authority and the Institute for Legal Studies of the Hungarian Academy of Sciences. The symposium brought together specialists from governmental authorities of many countries, the nuclear industry and nuclear risk insurers, international organizations and the academic community. It provided a forum for a comprehensive review of the current state of nuclear liability law at the international and national levels, especially following the revision of the Vienna Convention and the adoption of the Convention on Supplementary Compensation.

149. OAS reported that the Inter-American Juridical Committee had advanced its work in a number of important meetings. Among them were the Third Joint Meeting with the Legal Advisers of the Ministries of Foreign Affairs of the States members of OAS and a meeting with the United Nations International Law Commission.

150. ESA has set up the European Centre for Space Law. The Centre continuously promotes and stimulates debate on relevant legal questions through the publication of a Bulletin. It also organizes workshops, the most recent of which was held early in May 1999 at Perugia, Italy, and was dedicated to "International Organizations and Space Law: Their Role and Contribution".

151. The next International Conference of the Red Cross and Red Crescent is scheduled to be held at Geneva from 31 October to 6 November 1999. This conference will enable ICRC, the International Federation and its 175 National Societies to intensify their dialogue with the States parties to the Geneva Conventions with regard to humanitarian action and implementation of humanitarian law. The conference will adopt a plan of action for the years 2000-2003 which should reaffirm, *inter alia*, the necessity for States to ratify humanitarian law treaties, to take measures at the national level to ensure implementation of humanitarian law, to teach humanitarian law to their armed forces, to prosecute war crimes on the basis

of the principle of universal jurisdiction; and, most importantly, it should reaffirm the crucial importance of strict respect for humanitarian law by all parties to armed conflicts. States, ICRC and the International Federation will be invited to make concrete pledges in that respect.

152. ICRC actively participated in the First International Conference on Addressing Environmental Consequences of War: Legal, Economic, and Scientific Perspectives (Washington, D.C., 10-12 June 1998), which brought together members of the military, lawyers, scientists and economists.

153. The Hispano-Luso-American Institute of International Law in the period 1990-1999 held five Congresses (16th to 20th), in Venezuela, Spain, Chile, Portugal and the Philippines, respectively, at which 20 papers on various topics of public and private international law were discussed.

154. IBA had organized at the national, regional and international levels numerous conferences and seminars, lectures, workshops and meetings on selected topics of international law. Twenty-eight conferences and seminars were held in 1998. Twenty-one conferences and seminars were planned for 1999. To mark IBA's fiftieth anniversary, a special celebratory conference was held in New York with a closing ceremony in the United Nations building. The proceedings have been edited and published by Fordham University and cover a wide range of international issues of importance.

155. Globalization prompted the International Commission of Jurists, in its Conference on the Rule of Law in a Changing World and Triennial Meeting of July 1998, held in Cape Town, South Africa, to reconsider the role of the rule of law and of the organization in the context of the new global village, the decline of the State and the concomitant emergence and rise of powerful global economic non-State actors. The Commission adopted the Cape Town Commitment, stressing the need to develop strategies for monitoring the activities of the new global actors; to raise human rights awareness of corporations in general and, in particular, an awareness of their accountability for human rights violations perpetrated as a consequence of their activities; and to strengthen the campaign against corruption and the impunity of its perpetrators by developing normative strategies at the national, regional and universal levels. In the Commission's programme of activities for 1999 and 2000, the Cape Town Commitment has been translated into a number of concrete programmes.

156. IIHL reported that its twenty-second Round Table, on the impact of humanitarian assistance and mass media on the evolution of conflict situations had been held at San Remo, Italy, under the traditional auspices of the United Nations High Commissioner for Human Rights, UNHCR, the International Organization for Migration (IOM), the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. It was attended by scholars and experts from a number of States. The proceedings containing all reports as well as other contributions, have been published and distributed.

157. IIHL also reported that its twenty-third Round Table, on current problems of international humanitarian law, focused its attention on the Rome Statute of the International Criminal Court and examined some crucial points concerning the application of the Statute once the Court becomes operational. The proceedings were widely distributed. The twenty-fourth Round Table was to be held at San Remo from 2 to 4 September 1999 and would concentrate on the respect and implementation of international humanitarian law and fundamental human rights in conflict situations, on the occasion of the fiftieth anniversary of the adoption of the four Geneva Conventions.

158. IIHL further pointed out that the thirteenth European dialogue among experts from Eastern and Western Europe on the progressive development of humanitarian standards in Europe was held at Moscow from 12 to 14 June 1997. The problem of the reception procedures for refugees and asylum-seekers was discussed with the aim of defining a set of generally acceptable standards. Sixty-two experts representing 17 Governments attended, together with representatives of UNHCR, IOM, the Council of Europe, ICRC and various humanitarian organizations.

159. The symposium on the resettlement of refugees in Europe was organized by IIHL in cooperation with the National Spanish Committee on Refugees from 22 to 24 May in Madrid. The legal, political and humanitarian aspects of the problem of refugee resettlement were discussed by scholars and experts from 20 countries, as well as representatives of UNHCR, IOM and other non-governmental organizations. A special publication on the symposium was widely distributed.

160. The International Astronautical Federation through IISL has, since 1997, held a number of colloquia and symposia on space law. The colloquia have been held annually, in Turin, Italy, in 1997, and in Melbourne, Australia in 1998. IISL's 42nd Colloquium on the Law of Outer Space will be held in October 1999 in Amsterdam. The focus of discussion will be on the following: legal aspects of space station utilization, new developments relating to legal aspects of telecommunications; and legal implications of expanding privatization in space. Other aspects of space law, including legal aspects of launching space objects from non-terrestrial sites, will also be discussed. The full proceedings of the colloquia, including selected papers, are published and distributed annually by the American Institute of Aeronautics and Astronautics. In conjunction with the European Centre for Space Law, IISL has also held symposia on space law during the meetings of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. In 1997, the symposium celebrated the 30th anniversary of the Outer Space Treaty. At the 1998 session of the Legal Subcommittee, the symposium discussed the review of the status of the outer space treaties. The Institute organized an eight-session workshop on space law at the Technical Forum of the Third United Nations Conference on the Exploration on Peaceful Uses of Outer Space (UNISPACE III), which was held at Vienna from 19 to 31 July 1999. It also organized an annual worldwide Space Law Moot Court Competition in honour of Judge Manfred Lachs. The semi-finals of the competition take place in Europe and the United States; the final, which is judged by three judges from the International Court of Justice, is held at the annual IISL colloquium. The final of this year's competition was scheduled to take place in Amsterdam in October 1999.

4. Training in international law for legal professionals and government officials organized by States and international organizations[10]

161. UNEP convened the Third Global Training Programme in Environmental Law and Policy in Nairobi in September/October 1997, which resulted in the enhancement of knowledge and skills in environmental law, including international environmental law, of approximately 30 government lawyers and policy makers from developing countries and countries with economies in transition. Moreover, in cooperation with relevant organizations, UNEP convened a number of regional environmental law training workshops, symposia and courses targeted at government officials associated with environmental policy-making and management, the judiciary and other relevant parties, for countries in Africa and Asia and the Pacific to contribute to the implementation of the Montevideo Programme II.

162. Furthermore, during the period of the Decade, a number of government officials from developing countries received training from UNEP through an attachment programme in which they stayed for about one month with relevant offices of the Programme and received from UNEP staff briefings and information related to international and national environmental law.

163. ICAO organized seminars/briefing sessions for Governments accredited to the ICAO regional offices in Paris, Dakar, Nairobi, Cairo and Bangkok in February 1999, in order that States might better clarify and define their position on the Draft Convention for the Unification of Certain Rules for International Carriage by Air and in order to support, to the extent possible, the successful outcome of the Diplomatic Conference on the modernization of the Warsaw System. In addition, briefing sessions were held in Mexico City on 14 and 15 December 1998 for Governments from the Americas and the Caribbean, and a Legal Seminar for States in the central and eastern part of the ICAO European region was held at ICAO's European and North Atlantic Office in Paris from 27 to 30 April 1998.

164. WIPO reported the creation of the WIPO Worldwide Academy, an institution dedicated to optimizing the use of intellectual property systems by enhancing human resource development programmes at national and regional levels. Principal beneficiaries of the Academy are those working in intellectual property offices, academia and research institutions. In 1998 alone, some 500 participants attended 60 interregional courses and seminars, and 84 officials from almost as many countries attended five Academy sessions in Geneva designed as teaching and training activities.

165. In 1988, IAEA legislative assistance activities under the Agency's technical cooperation projects included, *inter alia*, two workshops for the countries of Central and Eastern Europe and the newly independent States. IAEA's legislative assistance activities in 1999 included, *inter alia*, three training workshops with the participation of the countries

[10] Under paragraph 18 of this section of the programme, States were encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross were invited to continue cooperation in this respect with States.

Under paragraph 19, in connection with the training of military personnel, States were encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross.

of Central and Eastern Europe and the newly independent States. A training workshop on the consolidation of an adequate legal framework for the safe and peaceful uses of nuclear energy in the countries of East Asia and the Pacific was organized with the Korea Institute of Nuclear Safety. A follow-up training workshop to be held at the end of 1999 will address a topic related to liability for nuclear damage and emergency preparedness. In addition, individual training sessions on nuclear legal issues for lawyers and technical experts were conducted by the IAEA Legal Division.

166. The European Community reported that it contributed ECU 120,000 towards the development of expertise of the drafting of constitutions.

167. OAS reported that the teaching of inter-American international law continued to be advanced through the annual Course on International Law given at Rio de Janeiro. Each year the Course brings together a number of fellowship recipients and leading experts from throughout the hemisphere to study and discuss current issues in international law. The XXIVth course, held in 1997, dealt with "The Interaction Between International Law and Domestic Law Today", while the XXVth course in 1998 considered the "The Challenges of the Inter-American System on the Threshold of the 21st Century". The XXVIth Course on International Law, on "Current Problems in Public and Private International Law", will be held in 1999.

168. OAS has also been active in organizing and co-hosting subregional courses on international law throughout the hemisphere. Among those planned for 1999 are a course on international law for fellowship recipients from Central America and the Dominican Republic, to be given in Panama City, and a week-long programme in Brazil on inter-American international law for a Master's degree programme. Also planned are symposia with senior jurists in international law intended to enhance awareness of inter-American international law, to consider the region's legal agenda, and to foster stronger ties and increase information exchange among academics and studies of inter-American international law. Papers and findings from the courses on international law are published annually. The most recent volume published, volume 17, covers the XXIVth Course on International Law of the Inter-American Juridical Committee. Plans are under way for the publication of volume 18, encompassing the XXVth Course on International Law. In addition, the *Indice General de Cursos de Derecho Internacional 1974-1996* (General Index of International Law Courses, 1974-1996) was also recently published and distributed.

169. OSCE/ODIHR organized the seminar entitled "Problems Facing New Constitutional Courts", a workshop for constitutional judges from Armenia, Azerbaijan, Georgia and Ukraine, held at Budapest from 17 to 19 December 1996. ODIHR also provided training and technical assistance to the Constitutional Court in Ukraine during 1997-1999. It has furthermore provided and continues to provide training to law enforcement personnel, such as police, prison officials and border guards, of participating States in order to strengthen awareness of and compliance with international standards. These training programmes were given in Albania, Croatia, Georgia, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Uzbekistan. Moreover, ODIHR provides training to election administrators and domestic election observers. Recent examples include: Armenia 1999, Azerbaijan 1999, Belarus 1998-1999, Georgia 1999, and Kyrgyzstan 1999.

170. ICRC focuses on training disseminators of humanitarian law in the different countries. In particular, it helps train national instructors within the armed forces and dissemination officers within the National Societies. In addition to the activities aimed at the dissemination of humanitarian law to regular armed forces through courses, seminars and workshops, ICRC also developed training modules in human rights law for police and security forces.

171. In 1998, the manual "To Serve and to Protect" was published, destined for police forces. For the military, the last phase was completed of a streamlined battalion exercise entitled "BAT-EX 2", which emphasized training battalion staff in the decision-making process. A CD-ROM for self-training of the rank and file, which is available in English, French, Spanish, German, Russian and Italian, has been developed in cooperation with the Swiss Army. The "Teaching File on the Law of War" for instructors is currently under revision. The updated version will be available by the end of 1999. An interactive crisis management training INTACT exercise is being developed in cooperation with the Geneva Centre for Security Policy. The first completed module deals with peace support operations and was successfully tested in February 1999. Once all the modules are completed, the INTACT exercise will consist of five strategic situations — peace, crisis, non-international armed conflict, international armed conflict and peace support operations — designed to train middle management officials with a military, diplomatic or humanitarian background. At the strategic level, seminars for the highest level of officers in charge of training their respective armed forces have been organized in Geneva with the participation of more than 20 countries.

172. ICRC has trained special "exercise officers" who are part of the roughly 20 "pool officers" who perform ad hoc humanitarian law training missions on behalf of ICRC. Thus ICRC is represented in approximately a dozen major military exercises per year in different countries of the world. A "centre of expertise" in charge of analysing questions related to military and police operations, relevant for humanitarian action and for the protection of war victims, is being put in place.

173. IBA had held many seminars for Bar Association officials, for example, the Damascus Seminar in April 1988 for Arab Bar Leaders and the Badarpur Seminar in October 1997 for Asian Bar Leaders.

174. The International Commission of Jurists reported that seminars and workshops which it had organized on the domestic implementation of international human rights norms had the aim of assisting judges and lawyers as well as governmental representatives and human rights defenders in reinforcing systems of administration of justice, particularly in countries in transition to democracy. Each workshop was usually attended by between 50 and 100 participants, mostly from the host country, but also including experts from other countries.

175. The objective of the Commission was to act as a link between the United Nations, regional institutions and grass-roots organizations in many countries. Subjects of debate included the legal status of women, the rural and urban poor, the rights of the child, and indigenous peoples. The objective has changed during the Decade from the creation of awareness in relation to human rights concepts, to the empowerment of specific target groups. In 1998, two seminars on the promotion of economic and social rights and the European Social Charter were organized in Ukraine and Slovenia in conjunction with the Council of Europe.

176. In October 1997, a workshop on State reporting and individual petitions to the United Nations human rights treaty bodies was held at Bishkek by the Commission and the Foreign Affairs Ministry of Kyrgyzstan. Participants included senior government officials, members of the inter-ministerial working group in charge of drafting reports to treaty bodies and human rights defenders. In June 1997, a Seminar on Domestic Implementation of International Human Rights Standards was organized in São Paolo, Brazil. The debates focused on the legal value of treaties, declarations and recommendations and access to international mechanisms, including regional OAS human rights mechanisms.

177. IIHL provided information concerning its programme objectives of Governments and competent governmental organizations in their task of instructing members of their armed forces on the application and implementation of fundamental human rights and humanitarian law. Seven basic military courses were organized in 1999: four in English, two in French and one in Spanish. Participating in the courses were 237 officers, representing 77 countries. Two courses were held in Turin, Italy, at the ILO training centre, now the newly established United Nations Staff College. Other courses were given at the Institute headquarters in San Remo. Six basic military courses were organized in 1998, four in English, one in French and one in Spanish, with a total of 290 participants from 94 countries. Seven military courses have been planned for 1999 — four in English, two in French and one in Spanish — with a planned participation of more than 300 officers from 87 countries. A special seminar for military medical doctors and a special course for officers' managers are also planned. In 1999, the Institute will start with the organization of advanced military courses in the law of armed conflicts (with final examination and diploma).

178. In cooperation with UNHCR, IIHL organized over the past three-year period three courses in refugee law which were attended by government officials and diplomats responsible for the protection of refugees at the national level. The course was attended by 165 participants representing 43 countries. In view of the great interest in these courses, the Institute will start in 2000 with the organization of two courses, in English and French.

179. Also, in cooperation with UNHCR, IIHL organized a special course on refugee law for Arab countries in Cairo from 29 November to 2 December 1997. The course discussed, in particular, the follow-up of the Cairo Declaration on the protection of refugees and displaced persons in Arab countries adopted at the special meeting organized by the Institute in Cairo in 1995. Diplomats and high-level officials from 15 Arab countries participated together with representatives of the Arab League and local delegations of UNHCR.

180. IIHL has launched a new research project concerning humanitarian protection in non-international conflicts. The project will analyse the existing law and the possibility of its development in the situations not covered by existing rules under humanitarian law and human rights law. The project should be developed in liaison with Governments, concerned international organizations and, in particular, the International Committee of the Red Cross. The final product will be a manual for the applicability of humanitarian protection in non-international conflicts designed for the members of armed forces.

5. Publication of the practice of States and international and regional organizations in the field of international law[11]

181. To encourage the dissemination and wider appreciation of international law, during the United Nations Decade of International Law, the Ministry of Foreign Affairs of Finland has annually, given financial support to the publication of the *Finnish Yearbook of International Law*.

182. The Government of the United Kingdom provided public Internet access to the up-to-date status list of the multilateral agreements for which the United Kingdom is depositary. The address of the Web site is: http://www/fco.gov.uk/directory/treaty.asp.

[11] Under paragraph 21 of this section of the programme, States and international and regional organizations should endeavour to publish, if they had not already done so, summaries, repertories or yearbooks of their practice. They should also endeavour to place this material on computer networks for wider and instant distribution. The Office of Legal Affairs of the United Nations Secretariat was encouraged to continue its efforts in that regard, including through its participation in the Global Legal Information Network project.

183. Regarding the contribution of the United Nations to the Global Legal Information Network (GLIN), administered by the United States Library of Congress, the Organization's initial contribution, consisting of United Nations legal opinion abstracts for the period through 1994, has been entered into GLIN.

184. The United Nations Office of Legal Affairs continues to maintain and update the following Web sites containing information related to its work: United Nations Treaty Collection (http://www.un.org/Depts/Treaty/); Law of the Sea (http://www.un.org/Depts/los/index.htm); International Trade Law (http://www.un.org.at/uncitral/index.html); Codification, Development and Promotion of International Law (http://www.un.org/law/lindex.html) and International Law Commission (http://www.un.org/law/ilc/index.htm). The Web site of the Rome Statute of the International Criminal Court (http://www.un.org/law/icc/index.htm) which is maintained by the Codification Division of the Office of Legal Affairs, was established in 1999 and provides up-to-date information on the Rome Statute, including full-text access to relevant documentation and summaries of work undertaken by the Preparatory Commission for the International Criminal Court. All of the above Web sites, together with other related sites, can be accessed from the main international law Web site of the United Nations (http://www.un.org/law/).

185. A UNEP Environmental Law Training Manual, published in 1997, provides, *inter alia*, information on the legal regimes developed under the selected multilateral environmental conventions. UNEP continued to issue and distribute, for information for Governments and other relevant parties, a *Biannual Bulletin of Environmental Law*, which presents information on activities of UNEP, *inter alia*, in the field of international environmental law.

186. UNEP and the World Conservation Union (IUCN) has continued to develop a database on national and international environment law. Significant progress has been made towards the establishment of the UNEP/IUCN Joint Environmental Law Information Service in 1999. This service aims to provide developing countries and countries with economies in transition with global Internet access to information on international treaties, national legislation, soft law, literature and judicial decisions in the field of the environment. This will be complemented by related work being undertaken by UNEP regional offices for Asia and the Pacific and Latin America and the Caribbean.

187. One way in which the UNCITRAL secretariat has responded to the need for wider dissemination of information on UNCITRAL texts was the establishment of a system for collecting and disseminating information on court decisions and arbitral awards relating to conventions and model laws that have emanated from the work of the Commission. The acronym for the system is "CLOUT" ("Case law on UNCITRAL texts"). Another response of the secretariat to this need was the establishment of the UNCITRAL site on the World Wide Web (http://www.un.org.at/uncitral). All UNCITRAL documents, past and current, including CLOUT documents, are being posted by the UNCITRAL secretariat on the UNCITRAL Web site.

188. The revised fourth edition of *International labour standards - A workers' education manual* and of *Maritime Labour Convention and Recommendations* was published by ILO in 1998. Another reference book now in its fourth edition is the *Encyclopaedia of Occupational Health and Safety*. In general, approximately 400 items are documented each year as being published globally, either by the ILO Publications Department or by commercial or not-for-profit publishers. The majority of the ILO Library's holdings are recorded in the LABORDOC database, containing about 234,000 items. A four-language thesaurus published in both print and electronic format facilitates LABORDOC search. The fifth revised edition of the thesaurus was published in 1998. In addition, the ILO Web site

(www.ilo.org) provides full information on international labour standards and offers access to several ILO databases.

189. OAS has published numerous reports and documents which have contributed to the development of international law, including: the courses, proceedings and documents of the specialized conferences on corruption and on terrorism; the proceedings and documents of the Fifth Inter-American Specialized Conference on Private Law (CIDIP-V); and the Inter-American Juridical Committee's collection of documents presented at the Seminar on Democracy in the Inter-American System. OAS also plans to resume publication of the *Inter-American Juridical Yearbook* in order to bring together the most expert and recent doctrine in the hemisphere on the various aspects and topics of inter-American law, and to ensure its widest possible distribution.

190. During 1996-1999, OSCE/ODIHR has produced a number of publications and engaged in public awareness projects to increase understanding of human rights issues in the OSCE region. For example, in 1998, ODIHR produced a publication entitled "Human, Rights and You", a compilation of OSCE, United Nations and Council of Europe texts on human rights. ODIHR also published seven background reports for the 1998 Human Dimension Implementation Meeting. The project on public awareness included radio projects in Uzbekistan and Azerbaijan and television projects in Armenia and Kazakhstan. ODIHR also ran a public awareness campaign on the event of the United Nations International Day in Support of Victims of Torture, which included an advertising campaign in some OSCE participating States and the dissemination of publications on the topic of torture prevention.

6. Publication by States, the United Nations system of organizations and regional organizations and institutions referred to in the programme of essays on subjects of international law[12]

191. Jamaica reported that the following articles had been published in newspapers: "The role of international law and the International Court of Justice in the peaceful settlement of disputes"; and "The significance of international law tribunals in reflecting the increasing demands of specialization with focus on the International Criminal Court, the International Tribunal for the Law of the Sea, the War Crimes Tribunal and disputes settlement under the WTO".

192. The Government of the United Kingdom supported, and contributed to, the following studies published by the British Institute of International and Comparative Law (an independent institute): Bowett et al. (eds.), *The International Court of Justice: Process, Practice and Procedure* (1997); Anderson et al. (eds.), *The International Law Commission and the Future of International Law* (1998); and Wickremasinghe (ed.), *The International Lawyer as Practitioner* (1999) (based on a series of lectures at the Institute to mark the Decade).

193. As an activity to mark the final term of the Decade, the Codification Division of the Office of Legal Affairs of the United Nations has prepared a publication entitled *Collection of Essays by Legal Advisers of States, Legal Advisers of International Organizations and Practitioners in the Field of International Law*. The collection, which will be published in the near future, seeks to provide a practical perspective on international law, as viewed from

[12] Under paragraph 13 (a) of this section of the programme, States, the United Nations system of organizations and regional organizations and institutions referred to in the programme should encourage the publication of essays on subjects of international law written by legal advisers of States and international organizations, scholars and other legal practitioners providing a useful perspective on international law as viewed from their standpoint.

the standpoint of those involved in its formation, application and administration. The essays are drawn from different regions of the world and include contributions from the legal advisers of States whose legal services and practices are not currently treated in any of the generally available literature.

194. A preliminary study, prepared by the UNEP Secretariat with the assistance of internationally recognized legal experts, discussed, *inter alia*, the criteria for determining the need for and feasibility of new instruments, principal environmental challenges and types of instruments that may be appropriate to deal with them and challenges that are being or having recently been addressed in various international forums. Subject to the availability of funds, the study will be further elaborated during 1999-2000.

195. The proceedings of the 1992 UNCITRAL Congress, prepared by the International Trade Law Branch of the Office of Legal Affairs, which serves as the substantive secretariat for the Commission, was published by the United Nations in 1995.

196. FAO reported that information about 23 legislative studies and legal papers had been made available through the FAO Web site and provided the list of those studies and papers. FAO also published "The Right to Food in Theory and Practice" in 1998, accompanied by a flyer entitled "What is the Right to Food?" A legal study containing extracts from international instruments relevant to the right to food was to be published in 1999.

197. UNESCO reported that it would continue its activities related to the promotion of knowledge on international law and strengthening cooperation with relevant institutions, in particular through publications such as an updated English-language edition of *Droits des femmes. Recueil de textes normatifs internationaux* (to be published in 1999); and the second and third volumes of *Human Rights: New Dimensions and Challenges; A Manual on Human Rights* (to be published in 1999-2000).

198. The World Bank reported that the International Centre for Settlement of Investment Disputes had contributed to the development of international economic law through its research and publications activities in the fields of arbitration and foreign investment law. The Centre's publications in this field include the *ICSID Review — Foreign Investment Law Journal* and multi-volume collections of investment laws of the world and investment treaties.

199. The Hispano-Luso-American Institute of International Law in 1990-1999 published six volumes of its *Yearbook* (vols. IX-XIV) containing 83 papers on various aspects of public and private international law.

200. IBA has published a wide range of essays on subjects of international law as well as a catalogue of books and recent seminar papers and a list of relevant publications. To celebrate the fiftieth anniversary of its foundation in New York in 1947, the Association published *Global Law in Practice*, a series of essays on international law. In 1997, it published the second of its yearbooks entitled "The Capital Markets Year Book", covering the years 1994, 1995 and 1996, as well as reviews of judgements of the European Court of Human Rights and the Inter-American Court of Human Rights. It also published its Insolvency Concordat in 1996 and its model Human Genome Treaty in 1997.

201. With regard to the protection of cultural property in the event of armed conflict, IBA, jointly with Kluwer Law International, published a book entitled *Art Loans*. Treaties and international instruments relating to cultural property are appended to the main text of the book.

202. IBA has provided library facilities for consultation of textbooks and manuals of international law and from time to time has organized the dispatch of donated legal textbooks

to developing countries together with copies of its publication *Human Rights and the Administration of Justice* (June 1997). The Association has also made materials available through an IBA Web site at www.ibanet.org which provides updates on conferences, seminars and publications. It established a World Law Centre at its conference in Vancouver in September 1998 at which, *inter alia*, United Nations documentation was made available to visitors.

203. IBA intended to launch a new journal, *Business Law International*, in September 1999. Its Web site renewal project will be completed by the end of 1999, providing a major resource centre with links to Web sites of other international organizations.

7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof[13]

204. In the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the Codification Division of the Office of Legal Affairs of the United Nations Secretariat, in collaboration with the Registry of the International Court of Justice, published a compilation of analytical summaries of the judgments and advisory opinions of the International Court of Justice, from 1948 to 1991 (ST/LEG/SER.F/1) and from 1992 to 1996 (ST/LEG/SER.F/1/Add.1), in all official languages of the United Nations.

205. The Court of Justice of the European Communities has continued to fulfil the role assigned to it by the Treaties establishing the European Communities and to publish systematically its case law in the 11 official languages of the Communities. In the latter respect, progress has continued to be made in publishing the case law more rapidly. In addition, the Court has its own Internet site (http://europa.eu.int/cj/en/index.httm), which includes all recent judgements, in the 11 official languages, of both the Court itself and of the Court of First Instance. Among the Internet sites of the Community institutions, that of the Court is one of the most frequently used. The French versions of the Court's annual report were published in 1997 and 1998, and the English version, in 1996. The reports contain a synopsis of the work of the Court of Justice and of Court of First Instance.

8. Publication by international organizations of treaties concluded under their auspices; publication of the United Nations *Treaty Series* and the *United Nations Juridical Yearbook*[14]

206. In its resolution 51/158 of 16 December 1996, the General Assembly endorsed the placing of the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series* on the Internet". The *Multilateral Treaties Deposited with the Secretary-General* had been placed on the Internet in November 1995. The United Nations

[13] Under paragraph 22 of this section of the programme, the Secretary-General of the United Nations, in cooperation with the Registry of the International Court of Justice, was encouraged to publish, to the extent feasible and in a timely manner, the publication updating the *Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice* (1949-1991), currently under preparation, in all the official languages of the Organization.

Under paragraph 23, other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights were invited to disseminate more widely their judgements and advisory opinions and to consider preparing thematic or analytical summaries thereof.

[14] Under paragraph 24 of this section of the programme, international organizations were requested to publish treaties concluded under their auspices, if they had not yet done so. Timely publication of the *United Nations Juridical Yearbook* was also encouraged.

Treaty Series was later added to the site in June 1997. The General Assembly also endorsed in paragraph 6 of resolution 51/158 "the Secretary-General's exploring of the economic and practical feasibility of recovering the costs of providing such Internet access". In response, the Secretary-General, in his note of 26 September 1997 (A/52/363), reported on the issue and included the following conclusions:

> "(a) The on-line versions of the *Multilateral Treaties Deposited with the Secretary-General* and of the United Nations *Treaty Series* involve high costs and additional costs will result from the need to maintain, update and improve the service. (b) The revenues generated from hard-copy sales are inadequate to cover these costs. These revenues will decrease with the on-line availability of the publications. (c) Accordingly, it will be appropriate to charge a fee from users of the on-line version to generate revenues to fund at least the maintenance and improvement of the service, in particular given the current financial situation of the United Nations. (d) The present legal and administrative practice of the Secretariat in relation to publications suggests that the number of potential subscribers with free access to the United Nations Treaty Collection on line should be kept to a minimum. Furthermore, if the fee-charging mechanism is to be economically feasible, fees should be levied from the widest group of users."

In resolutions 52/153 and 53/100, respectively, the General Assembly encouraged the Secretary-General to continue developing a policy of providing Internet access to the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series*, including keeping in mind especially the needs of developing countries in recovering the costs thereof.

207. The *United Nations Treaty Collection* on the Internet contains, as its main feature, the documents, the *Multilateral Treaties Deposited with the Secretary-General* in English (updated weekly) and the United Nations *Treaty Series*, including the full texts of approximately 1,450 treaties registered up to 1986. Currently work is in progress to add a further 350 printed volumes to the site. The site also contains: the list of titles of treaties deposited with the Secretary-General in the six official languages, the texts of multilateral treaties recently deposited with the Secretary-General in their authentic languages, a photographic record of signature ceremonies, a full-text search capability in most language versions for the recently deposited multilateral treaties and a glossary of legal terms relating to treaty actions and definitions of key terms used in the *United Nations Treaty Collection* on the Internet in English.

208. New features and improvements to be added to the site in the near future include: a redesigned and restructured and more user-friendly *United Nations Treaty Collection* on the Internet; the facility to access the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series* in French; quicker and more comprehensive status updates; more detailed treaty-related information accessible directly from the database; continued expansion of the site containing full texts of new multilateral treaties deposited with the Secretary-General; the addition of all recently published volumes of the United Nations *Treaty Series* collection; the presentation of the explanatory Web pages and the glossary of legal terms relating to treaty actions and definitions of key terms used in the *United Nations Treaty Collection* on the Internet in French; creation of reciprocal links between the *Multilateral Treaties Deposited with the Secretary-General* and the United Nations *Treaty Series*.

209. The number of weekly visits to the *United Nations Treaty Collection* Web site, which was around 15,000 when the collection was first launched in 1995, has now surpassed 40,000 and this number continues to increase. A large number of users are law firms (mainly from

developed countries), commercial entities, financial institutions and libraries. Students, academic institutions, academics, private individuals and NGOs are also major users. The substantial part of the compilation of material for placement on the Internet and the work on the development of the site is done in-house within the Treaty Section of the Office of Legal Affairs, resulting in major savings for the Organization. Owing to ever-present financial constraints, the reliance on outside consultants has been kept to a minimum.

210. As indicated in the note of the Secretary-General (A/52/363) of September 1997, the sustained growth of users will continue to require additional technical resources to meet ongoing costs relating to maintaining and enhancing the site to meet client expectations. Staff resources (technical) necessary for maintaining an efficient service are likely to grow further. Efforts of the Treaty Section to bring the United Nations *Treaty Series* up to date for placement on the Internet (the section plans to clear the historical backlog by 2001) continue to be seriously hampered by the very slow rate of translations. More efficient translation mechanisms, including the identification of specific budgetary resources for the translation of treaties, would assist in eliminating the historical backlog in the United Nations *Treaty Series*.

211. Thus, consistent with the Secretary-General's recommendation in (see para. 206), it will be appropriate to charge a fee from users of the on-line version to generate revenues to fund at least the maintenance and improvement of the service, in particular given the current financial situation of the United Nations. The present legal and administrative practice of the Secretariat in relation to publications suggests that the number of potential subscribers with free access to the United Nations Treaty Collection on line should be kept to a minimum. Furthermore, if the fee-charging mechanism is to be economically feasible, fees should be levied upon the widest group of users. It would therefore be appropriate that, apart from those users who would have free access (namely permanent and observer missions, foreign ministries and members of the United Nations family), other categories of users should be given access to the site through the mechanism of a user fee, including annual subscriptions, while ensuring that due consideration is given to the needs of developing countries. It would also seem appropriate that any fee-charging mechanism should be established consistent with the guidelines set out by the Publications Board in administrative instruction ST/AI/189/Add.15/Rev.1 of 30 June 1992 and be similar to the mechanism put in place for the optical disk system (ODS). The pricing structure should take into account the different categories of users, i.e., profit-making entities, not-for-profit entities, developing countries, academics, students, libraries, casual users, etc., and include the various discount schemes. Information on subscribing to the service would be available directly from the Sales and Marketing Section or from the United Nations home page on the Internet (http://www.un.org/).

212. The backlog in the series *United Nations Juridical Yearbook* has been eliminated, and all volumes (through 1995) have either been published during the period under review or completed by the Codification Division of the Office of Legal Affairs and are in the process of being published.

213. UNIDO's secretariat will continue its contributions to the *United Nations Juridical Yearbook*.

214. UNEP continued to publish and distribute, upon request, the texts of the international legal instruments concluded under its auspices. In 1997, a compilation of the texts of selected multilateral environmental conventions, along with other international legal instruments, was published in a *UNEP Handbook of Environmental Law*.

215. The 1996 edition of the Register of International Treaties and Other Agreements was published by UNEP in early 1997 and distributed to all Governments and relevant organizations. The publication of the new edition of the Register is scheduled for the end of 1999.

216. In accordance with decision 18/9 of the Governing Council, a new volume of the publication *Selected Multilateral Treaties in the Field of the Environment* is under the preparation by the UNEP Secretariat. It is expected to be issued by early 2000.

217. A three-volume set of ILO Conventions and Recommendations was published in 1996 in English, while the French version is under preparation. The trilingual (English/French/Spanish) database on ILO Conventions and Recommendations and the work of ILO supervisory bodies (ILOLEX) has been steadily expanding since its creation in 1992 and now contains over 75,000 full-text documents. ILOLEX is also published twice a year as a CD-ROM, the latest edition being that of November 1998.

218. The UPU Acts which were signed in 1994 at the Seoul Congress and came into force on 1 January 1996 are now available on the UPU Web site and can be accessed by all interested parties. This is a measure designed to increase transparency and openness to the public in international treaty matters, which is surely in keeping with the recommendation of the United Nations General Assembly.

219. The Treaty Office of the European Commission published a document entitled "Participation of the European Communities in Multilateral Agreements", which covers all multilateral agreements to which the Communities are contracting parties and gives information in outline form relating to each convention. Its aim is to provide an overview of the multilateral conventions and agreements to which the European Communities are party and to serve as a reference work for users. Another publication, entitled "Annotated Summary of Agreements linking the Communities with non-Member Countries", covers the bilateral agreements the European Community has entered into. The Treaty Office has also begun computer application to cope with the growing volume of treaty-related information by creating a database in this area in order to facilitate its own work, to deal with the matter in a modern fashion and to be able to disseminate the information easily. The part of the application covering the information included in the publication "Participation of the European Communities in Multilateral Agreements" is under completion and needs to be developed further into a comprehensive database by the Computer Service. Steps are being taken to put into practice the provisions of the United Nations resolutions on the Decade which urge Governments and other international organizations to use their best endeavours to provide Internet access to treaties and treaty-related information, and also encourage organizations to ensure that the necessary resources are given in order to disseminate the information related to treaties.

220. OAS has prepared and distributed an integrated text of the Charter of the Organization of American States as amended by the Protocols of Buenos Aires, Cartagena de Indias, Managua and Washington.

221. The text of 91 humanitarian law treaties are available on the ICRC Web site, free of charge, together with an up-to-date list of signatures, ratifications and the full text of reservations. The Web addresses are: www.icrc.org (English), www.cicr.org (French), and www.cicr.org/spa (Spanish).

E. Procedures and organizational aspects

1. Role of the Sixth Committee of the General Assembly of the United Nations

222. No specific comments have been received under this heading.

2. Establishment of national, subregional and regional committees for implementation of the programme[15]

223. The Cyprus Government established in 1998 the National Organization for the Protection of Human Rights under the Chairmanship of the Law Commissioner of the Republic of Cyprus. According to the Memorandum of the Organization, its competence, *inter alia*, is to disseminate information on human rights issues, to aid in the shaping and sensitizing of the public conscience regarding human rights, to study and monitor the relevant legislature and jurisprudence, to organize lectures and seminars, as well as to prepare writings, translations and enlightening the public. The Organization consists of two Committees, namely the Committee for the Implementation of Treaties and the Committee for Steering and Investigation of Grievances.

3. Question of the provision of adequate financing for the implementation of the programme for the Decade[16]

224. No specific comments have been received under this heading.

III. Activities of the United Nations relevant to the progressive development of international law and its codification

A. The law relating to human rights

225. The General Assembly, in its resolution 53/144 of 9 December 1998, adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, on the basis of work undertaken by the Commission on Human Rights. The Declaration, consisting of 20 articles, recognizes the rights of individuals to promote and to strive for, individually and in association with others, the protection and realization of human rights and fundamental freedoms at the national and international levels.

226. Currently, the Commission on Human Rights is considering the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. It is envisaged that the optional protocol would provide a preventive system of regular visits to places of detention. The Commission also continues to consider the draft United Nations declaration on the rights of indigenous peoples as proposed by the Subcommission on Prevention of Discrimination and Protection of

[15] Under paragraph 26 of this section of the programme, States were encouraged to establish, as necessary, national, subregional and regional committees which might assist in the implementation of the programme for the Decade.

[16] Under paragraph 27 of this section of the programme, voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and were strongly encouraged in order to implement the programme of the Decade. To that end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

Minorities (now known as the Subcommission for the Promotion and Protection of Human Rights). It is also considering such other issues as human rights and unilateral coercive measures, human rights and arbitrary deprivation of nationality, as well as a revised version of the Basic Principles and Guidelines on the Right to Restitution, Compensation and Rehabilitation for Victims of Grave Violations of Human Rights and Fundamental Freedoms, elaborated by the Subcommission.

227. In 1998, the Subcommission on Prevention of Discrimination and Protection of Minorities completed its consideration of the draft international convention on the protection of all persons from enforced disappearance and transmitted it to the Commission on Human Rights for its consideration. At its fifty-fifth session, in 1999, the Commission took note of the draft convention and invited States, international organizations and non-governmental organizations to comment thereon.

228. The Subcommission has also been considering, *inter alia*, the question of the impunity of perpetrators of violations of economic, social and cultural rights, as well as that of systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict.

229. In 1999, the Commission on the Status of Women completed its work on a draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and recommended that the Economic and Social Council recommend the Optional Protocol to the General Assembly for adoption. The Optional Protocol extends the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of the rights set forth in the Convention.

B. The law relating to disarmament

230. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction was negotiated and adopted by the Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines, held at Oslo from 1 to 18 September 1997. The Secretary-General of the United Nations is designated as the depositary of the Convention.

231. At its 1998 session, the Conference on Disarmament decided to establish an ad hoc committee to negotiate an effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

232. The Disarmament Commission, at its session in 1999, adopted two texts. The first, entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned", contained, *inter alia*, a consideration of the objectives and purposes of nuclear-weapon-free zones as well as a set of principles and guidelines based on current practices and available experiences. The Commission also adopted a set of guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N of 10 December 1996. The guidelines are primarily applicable for the consolidation of peace in post-conflict situations.

C. The law relating to outer space

233. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reported the adoption by the General Assembly, in its resolution 52/122 of 13 December 1996, of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries. The Declaration provides that, although States are free to determine all aspects of their participation, contractual terms in such cooperative ventures should be fair and reasonable, and should be in full compliance with the legitimate rights and interests of the parties concerned. The Subcommittee is also holding informal consultations on the inclusion of new agenda items which have already been proposed, such as commercial aspects of space activities and review of the existing norms of international law applicable to space debris.

234. The Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), was held at Vienna from 19 to 30 July 1999, in accordance with General Assembly resolution 52/56 of 10 December 1997, to consider, *inter alia*, the further development of space law according to the needs of the global community.

D. The law relating to economic development

235. In 1998, the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects recommended to the United Nations Trade and Development Board that it propose the convening by the General Assembly of a diplomatic conference to consider and adopt a convention on the arrest of ships.

E. The law relating to international trade

236. At its thirtieth session, in 1997, the United Nations Commission on International Trade Law adopted the UNCITRAL Model Law on Cross-Border Insolvency (General Assembly resolution 52/158, annex). The Model Law was designed to assist States in modernizing legislation governing cross-border insolvency.

237. At the same session, the Commission continued its work on privately financed infrastructure projects, with a view to preparing a legislative guide on build-operate-transfer (BOT) and related types of projects. It also continued its work in the field of electronic commerce and considered the possibility of preparing uniform rules on issues of digital signatures and certification authorities.

238. At its thirty-first session, in 1998, the Commission continued its work on privately financed infrastructure projects, as well as on electronic commerce, including the preparation of draft uniform rules on electronic commerce.

239. The work on assignment of claims, undertaken by the UNCITRAL Working Group on International Contract Practices since 1995, has led to the preparation of the draft Convention on Assignment in Receivables Financing and is expected to be submitted to the Commission for adoption at its thirty-third session, in 2000.

240. The Decade proved to be the most productive period in UNCITRAL's 32-year history, with the adoption of four model laws (Fund Transfers; Procurement of Goods, Construction and Services; Electronic Commerce; and Cross-Border Insolvency), two conventions (United Nations Convention on the Liability of Terminal Operators in International Trade and United

Nations Convention on Independent Guarantees and Stand-by Letters of Credit), the Notes on Organizing Arbitral Proceedings, and with the preparation of two other major legal texts, the draft Convention of Assignment in Receivables Financing and the Legislative Guide on Privately Financed Infrastructure Projects.

F. The law relating to crime prevention and criminal justice

241. The General Assembly, at its fifty-first session, on the recommendation of the Economic and Social Council, adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (resolution 51/191). At the same session, the Assembly adopted the International Code of Conduct for Public Officials (resolution 51/59, annex) and the United Nations Declaration on Crime and Public Security (resolution 51/60 of 12 December 1996, annex).

242. The General Assembly, at its fifty-second session, adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (resolution 52/86, annex), as a model for guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women. The Assembly also adopted a set of complementary provisions for the Model Treaty on Extradition (resolution 52/88, annex). Both instruments were adopted on the recommendation of the Economic and Social Council, and arose out of the work of the Commission on Crime Prevention and Criminal Justice, at its sixth session, held from 28 April to 9 May 1997.

243. The General Assembly, at its fifty-third session, decided that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by a series of provisions (resolution 53/112, annex I) which arose out of the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held from 23 to 26 February 1998. It also requested that the Commission on Crime Prevention and Criminal Justice take into account a set of elements recommended for inclusion in model legislation on mutual assistance in criminal matters (ibid, annex II).

244. At the same session, the General Assembly welcomed the report of the inter-sessional open-ended intergovernmental group of experts, established pursuant to resolution 52/85, on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime. The Assembly also decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea (resolution 53/111). The first meeting of the intergovernmental ad hoc committee was held at Vienna from 18 to 29 January 1999.

245. At its eighth session, in 1999, the Commission on Crime Prevention and Criminal Justice adopted a draft resolution to be transmitted to the General Assembly, whereby the Assembly would request the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, *inter alia*, to intensify its work with a view to completing the convention in 2000, and would also request the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants,

including by sea, with a view to completing those instruments at the same time as the convention.

246. In its resolution 53/110 of 9 December 1998, the General Assembly accepted with gratitude the invitation of the Government of Austria to host the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders at Vienna, approved the provisional agenda for the Congress, and decided that the theme of the Congress would be "Crime and justice: meeting the challenges of the twenty-first century". The Assembly also endorsed the programme of work for the Congress, including the holding of four workshops on: combating corruption, crimes related to the computer network, community involvement in crime prevention, and women in the criminal justice system.

G. The law relating to environment

247. Furthering the development of international law in the field of the environment has continued to be one of the major programme areas of the United Nations Environment Programme in accordance with chapter 38 of Agenda 21 and relevant decisions of the Governing Council.

248. The mandate of UNEP in this field was reinforced by the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, adopted by the Governing Council in its decision 19/1 of 7 February 1997. The Declaration underscored the further development of international environmental law aiming at sustainable development, including the development of coherent interlinkages among existing multilateral environmental conventions, as one of the elements of the mandate of UNEP. This was also emphasized in the Programme for the Further Implementation of Agenda 21, adopted by the nineteenth special session of the General Assembly in its resolution S-19/2 of 28 June 1997. Likewise, the Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme II), adopted by the Governing Council in decision 17/25 of 21 May 1999, has continued to be a strategic guidance for UNEP for its actions to further develop international environmental law for the current decade.

249. At a conference of plenipotentiaries convened by UNEP and FAO in Rotterdam, the Netherlands, in September 1998, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted and opened for signature. The Convention resulted from the work of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (INC/PIC), convened by UNEP, together with FAO, in accordance with chapter 19 of Agenda 21 and Governing Council decisions 18/12 of 26 May 1995 and 19/13A of 7 February 1997. As at 31 May 1999, 60 States and the European Community had signed the Convention.

250. UNEP convened, in June/July 1998 and January 1999 respectively, two sessions of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (INC/POPs). At its second session, INC/POPs elaborated the outline of the future legally binding instrument. The third session of INC/POPs was scheduled to be held at Geneva in September 1999.

251. UNEP has provided further assistance to the Governments in the Caspian Sea region in developing an international legally binding instrument on the Caspian Sea. In February 1998, a government experts meeting was held in Moscow to consider the draft framework

convention on the Caspian Sea environment. The meeting considered the draft text of the convention presented by the UNEP secretariat, and a revised text was scheduled to be considered at the next meeting to be held in the second half of 1999.

252. UNEP has continued to assist relevant Governments in developing new regional seas agreements and related institutional arrangements, such as the preparation of the Protocol to the Kuwait Regional Convention concerning the Control of Marine Transboundary Movements and Disposal of Hazardous Wastes and Other Wastes (adopted in March 1998), development of the draft regional convention and action plan for the protection of the marine environment of the East Central Pacific, and the development of instruments under the North-West Pacific Action Plan. UNEP has also assisted Governments of the parties to the 1985 Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region in updating the Convention, taking into account recent developments, especially following the United Nations Conference on Environment and Development.

253. The Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change was adopted at the third session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change, held at Kyoto, Japan, from 1 to 11 December 1997.

254. An Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer was adopted at the Ninth Meeting of the Parties, held at Montreal from 15 to 17 September 1997.

255. The fourth Ministerial Conference of the United Nations Economic Commission for Europe, entitled "Environment for Europe", was held at Aarhus, Denmark, from 23 to 25 June 1998. The Ministerial Conference adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. It was signed by representatives of 35 States and the European Community. Two new Protocols to the Convention on Long-range Transboundary Air Pollution — on Heavy Metals and on Persistent Organic Pollutants — were adopted and signed at the same Conference by 33 States and the European Community.

256. The Convention on the Law of the Non-navigational Uses of International Watercourses was adopted by the General Assembly on 21 May 1997 (see sect. L, below).

257. The Ad Hoc Working Group of Legal and Technical Experts established by the Conference of Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to consider and develop a draft Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal held its ninth meeting in Geneva from 19 to 23 April 1999. The Ad Hoc Working Group's mandate is to prepare the Protocol and to consider elements required for the establishment of an emergency fund, as well as the relationship between such a fund and the Protocol.

258. The Open-ended Ad hoc Working Group on Biosafety, established in accordance with decision II/5 of the Conference of the Parties to the Convention on Biological Diversity to adopt a Protocol on Biosafety, held its sixth and final meeting in Cartagena de Indias, Colombia, from 14 to 22 February 1999. The Working Group submitted its report to the Conference of the Parties at its first extraordinary meeting, held at Cartagena de Indias, from 22 to 24 February 1999. The Conference of the Parties took note of the report and decided to continue its work on the Protocol at the resumed session of its extraordinary meeting, scheduled to be held at Vienna from 15 to 19 September 1999.

H. The law of the sea

259. The International Seabed Authority is the organization through which States parties to the 1982 United Nations Convention on the Law of the Sea shall, in accordance with the regime established in Part XI of the Convention and the Implementing Agreement for the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (the "Area"), organize and control activities in the Area, in particular with a view to administering the resources of the Area. With the completion of its initial organizational phase covering the period from November 1994 to December 1996, the Authority commenced its functional phase in 1997.

260. In 1997, the Authority held the third and resumed third sessions in Kingston, Jamaica, from 17 to 27 March and 18 to 29 August respectively. All four of its organs — the Assembly, the Council, the Legal and Technical Commission, and the Finance Committee — met during the sessions. The first and second parts of the fourth session of the Authority were held at Kingston from 16 to 27 March and from 17 to 28 August 1998, respectively. The Authority also met in New York on 12 and 13 October 1998.

261. The most significant development during 1997 was the approval of plans of work for exploration of seven registered pioneer investors. The Convention and the Implementing Agreement envisage the adoption and application of rules, regulations and procedures necessary for the conduct of activities in the Area. In 1997, work began on the so-called "deep seabed mining code" needed to operationalize the deep seabed mining regime established by the Convention and the Implementing Agreement. The initial draft seabed mining code was prepared by the 22-member expert body of the Authority, i.e. the Legal and Technical Commission, in August 1997 and was presented to its Council for review in March 1998. During the first and second parts of the fourth session, the Council carried out its review of the draft, which was to be continued on a priority basis at its fifth session, scheduled to be held at Kingston from 9 to 27 August 1999. The draft text deals with the prospecting and exploration for polymetallic nodules, one of three types of minerals to be found in the Area, having economically attractive metal contents of copper, nickel, cobalt and manganese. Once the seabed mining code is approved by the Authority, the seven pioneer investors would be granted exploration contracts.

262. While work continues on the mining code covering polymetallic nodules, the two other types of minerals found in the Area have begun gaining in importance: polymetallic sulphides with economically attractive metal contents of gold, silver, copper and zinc; and cobalt-bearing crusts having a similar metal composition to polymetallic nodules, but with a much higher cobalt content. During its 1998 session, the Authority was requested to adopt rules on exploration for those minerals.

263. As an autonomous international organization, the Authority sought and, on 4 November 1996, was granted observer status at the United Nations (General Assembly resolution A/51/6).

264. On 14 March 1997, the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority signed a Relationship Agreement, the Agreement concerning the Relationship between the United Nations and the Authority. The Agreement was approved by the Assembly of the Authority at its 48th meeting, on 27 March 1997, and entered into force on 26 November 1997.

265. In addition to the Relationship Agreement, a draft agreement concerning the relationship between the Authority and the International Tribunal for the Law of the Sea was drawn up in 1998, to be considered at its 1999 session together with the draft

headquarters agreement between the Authority and the Government of Jamaica, the draft financial regulations and the draft staff regulations of the Authority.

266. Furthermore, the Protocol on Privileges and Immunities of the International Seabed Authority was adopted by the Assembly of the Authority at Kingston on 26 March 1998 and was subsequently opened for signature on 17 August 1998.

267. The International Tribunal for the Law of the Sea was established with the election of the 21 members on 1 August 1996, and commenced its functions in Hamburg, Germany. The inaugural session was held from 1 to 31 October 1996; a further six sessions have been held, and its eighth session was scheduled to be held from 28 September to 8 October 1999. In May 1999, seven members of the Tribunal were elected for a nine-year term beginning on 1 October 1999.

268. The consideration of the Rules of the Tribunal was concluded at the fourth session of the Tribunal in 1997, at which time they were formally adopted, concurrently in English and French. The Rules of the Tribunal consist of 138 articles which set out the organization of the Tribunal, the responsibilities of the Registrar and the organization of the Registry. They also establish the procedure to be followed in the handling of cases.

269. The Seabed Disputes Chamber is the most important chamber of the Tribunal. It deals with disputes with respect to activities in the Area as defined in article 187 of the Convention and the Implementing Agreement on Part XI. The Chamber is composed of 11 members selected to reflect the world's principal legal systems and according to the principle of equitable geographical distribution. The Tribunal also constituted three standing chambers in addition to the Seabed Disputes Chamber, namely the Chamber of Summary Procedure, the Chamber for Fisheries Disputes and the Chamber for Marine Environment Disputes.

270. In 1997, at its 25th plenary meeting, the Meeting of States Parties to the United Nations Convention on the Law of the Sea adopted the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea. The Agreement was opened for signature on 1 July 1997 at United Nations Headquarters.

271. Pursuant to General Assembly resolution 51/204 of 17 December 1996, the Tribunal was on that date invited to participate in the sessions and the work of the General Assembly in the capacity of observer.

272. The Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea was concluded and signed by the Secretary-General of the United Nations and the President of the Tribunal at United Nations Headquarters on 18 December 1997. The General Assembly at its fifty-second session, in resolution 52/251 of 8 September 1998, approved the Agreement.

273. Pending the conclusion of a headquarters agreement between the Tribunal and the host country (Germany), the host country adopted an interim ordinance which provides privileges and immunities for the Tribunal, its members and the staff of its Registry in the host country.

274. On 13 November 1997, the Tribunal received its first application (the "*M/V Saiga*" cases) under article 292 of the Convention, which was filed by Saint Vincent and the Grenadines against the Republic of Guinea. In July 1999, a second set of applications were filed before the Tribunal (the "*Southern Bluefin Tuna*" cases) by New Zealand and Australia against Japan.

275. The first election of the 21 members to the Commission on the Limits of the Continental Shelf was held at the Sixth Meeting of States Parties on 13 March 1997. The Commission has since held five sessions, with its sixth session scheduled to be held from 30 August to 3 September 1999.

I. The work of the International Law Commission

276. At its forty-ninth session in 1997, the International Law Commission adopted on first reading 27 draft articles and a draft preamble, with commentaries thereto, on nationality of natural persons in relation to the succession of States and decided to transmit the draft articles and preamble to Governments for comments and observations; considered the second report of the Special Rapporteur on reservations to treaties and adopted preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties; decided to proceed, at its next session, to the second reading of the draft articles on State responsibility with a view to completing its work by the end of the quinquennium; and decided to proceed with its work on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law" under the subtitle "prevention of transboundary damage from hazardous activities". Pursuant to paragraph 13 of General Assembly resolution 51/160, the Commission further examined the scope and content of the topic of "Diplomatic protection" in the light of the comments and observations made by Governments and decided that the topic was appropriate for consideration with a view to completing a first reading by the end of the quinquennium. Pursuant to the same paragraph, the Commission also considered it advisable and feasible to initiate work on the codification and progressive development of the applicable legal rules relating to unilateral acts of States.

277. At its fiftieth session, in 1998, the International Law Commission adopted on first reading 17 draft articles, with commentaries thereto, on prevention of transboundary damage from hazardous activities under the topic of "International liability for injurious consequences arising out of acts not prohibited by international law" and decided to transmit the draft articles to Governments for comments and observations; considered the preliminary report of the Special Rapporteur on the topic of "Diplomatic protection" and established a Working Group to consider possible conclusions which might be drawn as to the approach to the topic and also to provide directions in respect of issues which should be covered by the forthcoming report of the Special Rapporteur; examined the first report of the Special Rapporteur on the topic of "Unilateral acts of States" and supported limiting the topic to unilateral acts of States issued for the purpose of producing international legal effects; considered the fourth report of the Special Rapporteur on the topic of "Nationality in relation to the succession of States" and established a Working Group to consider the question of the possible orientation to be given to the second part of the topic dealing with the nationality of legal persons; and considered the third report of the Special Rapporteur on the topic of "Reservations to treaties" concerning the definition of reservations (and interpretative declarations) and adopted seven draft guidelines in that regard. The Commission also considered the first report of the Special Rapporteur on State responsibility, which dealt with general issues relating to the draft, the distinction between "crimes" and "delictual" responsibility, and articles 1 to 15 of Part One of the draft, and established a Working Group to assist the Special Rapporteur in the consideration of various issues during the second reading of the draft articles. The Commission subsequently decided to refer several draft articles to the Drafting Committee.

278. At its fifty-first session, the Commission adopted a set of 26 draft articles and preamble on nationality of natural persons in relation to the succession of States, with commentaries thereto, and transmitted them to the General Assembly with the recommendation that they be adopted in the form of a declaration; considered the second report of the Special Rapporteur on the topic of "State responsibility" and undertook a preliminary consideration of the question of countermeasures in chapter III of Part Two of the draft articles, resulting in the referral of the articles in chapters III (Breach of an international obligation),

IV (Implication of a State in the internationally wrongful act of another State) and V (Circumstances precluding wrongfulness) to the Drafting Committee; considered the second report of the Special Rapporteur on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities)" with respect to its future work on the topic, and decided to defer consideration of the question of international liability pending the completion of the second reading of the draft articles on the prevention of transboundary damage from hazardous activities; considered the third report of the Special Rapporteur on the topic of "Reservations to treaties", concerning the definition of reservations and interpretative declarations, and adopted 20 draft guidelines pertaining to the first chapter of the Guide to Practice, with commentaries thereto, and commenced its consideration of the first part of the fourth report of the Special Rapporteur; examined the second report of the Special Rapporteur on the topic of "Unilateral acts of States"; and established a Working Group on the topic of Jurisdictional immunities of States and their properties", with a view to preparing the preliminary comments requested by the General Assembly in its resolution 53/98 of 8 December 1998, and subsequently took note of the report of the Working Group.

J. The work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

279. At its 1997 session, the Special Committee undertook its work on the basis of the mandate set out in paragraph 3 of General Assembly resolution 51/209 of 17 December 1996. Under the rubric of "Maintenance of international peace and security", the Special Committee continued its work on the implementation of Charter provisions related to assistance to third States affected by sanctions and considered other papers regarding the question of a draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions, as well as strengthening of the role of the Organization and enhancing its effectiveness. In relation to the peaceful settlement of disputes, a revised proposal for the establishment of a dispute prevention and early settlement service was considered by the Special Committee. It also considered several proposals related to the possible amendment to the Statute of the International Court of Justice to extend its competence with respect to contentious matters to disputes between States and international organizations. The Special Committee also continued its consideration of the proposal to convert the Trusteeship Council into a coordinator of the global commons.

280. At its 1998 session, the Special Committee continued its work on the basis of the mandate in paragraph 3 of resolution 52/161 of 15 December 1997. It considered several proposals relating to the maintenance of international peace and security. These encompassed the question of the implementation of Charter provisions related to the assistance to third States affected by sanctions, for which a new working paper was submitted; the proposed draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions; and the question of the strengthening of the role of the Organization and enhancing its effectiveness. As regards the peaceful settlement of disputes, the Special Committee continued its consideration of the revised proposal to establish a dispute prevention and early settlement service, as well as of various proposals related to the possible amendment to the Statute of the International Court of Justice to extend its competence. It also continued its consideration of proposals concerning the Trusteeship Council.

281. At its 1999 session, the Special Committee undertook its work on the basis of the mandate in paragraph 4 of General Assembly resolution 53/106 of 8 December 1998. It

continued its consideration of the item "Implementation of Charter provisions related to assistance to third States affected by sanctions", under the topic "Maintenance of international peace and security". It also continued its consideration of the other items which it had considered under that heading at its session in 1998. With regard to the proposal entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation", the Special Committee completed the first reading of the working paper in question. Furthermore, the Special Committee considered a new proposal recommending that an advisory opinion be sought from the International Court of Justice as to the legal consequences of the resort to the use of force by States either without the prior authorization of the Security Council or outside the context of self-defence, as well as regarding the role of the United Nations in guaranteeing the system of collective security. In connection with the topic of "peaceful settlement of disputes", the Special Committee again considered the proposed establishment of a dispute prevention and early settlement service, the proposal to amend the Statute of the International Court of Justice, which was subsequently withdrawn, as well as a proposal on practical ways and means of strengthening the International Court of Justice while respecting its authority and independence. The Special Committee held a further exchange of views on proposals concerning the Trusteeship Council.

K. The work of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996

282. The General Assembly, at its fifty-first session, decided to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism (resolution 51/210). The Ad Hoc Committee met from 24 February to 7 March, and from 22 September to 3 October 1997 in the framework of a working group of the Sixth Committee[17] at which time it undertook the elaboration of a draft international convention for the suppression of terrorist bombings, which it recommended to the General Assembly for adoption (see sect. L below).

283. The Ad Hoc Committee met from 16 to 27 February and from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee[18] and continued its work on the elaboration of a draft convention on the suppression of acts of nuclear terrorism.

284. The Ad Hoc Committee met from 15 to 26 March 1999 to consider the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and also commenced with the elaboration of a draft international convention for the suppression of the financing of terrorism.[19] Work on these instruments

[17] For the report of the Ad Hoc Committee, see *Official Records of the General Assembly, Fifty-second Session, Supplement No. 37* (A/52/37), and A/C.6/52/L.3.

[18] For the report of the Ad Hoc Committee, see *Official Records of the General Assembly, Fifty-third Session, Supplement No. 37* (A/53/37), and A/C.6/1998/L.4.

[19] For the report of the Ad Hoc Committee, see *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 37* (A/54/37).

is scheduled to continue from 27 September to 8 October 1999, within the framework of a working group of the Sixth Committee.

L. The work of the Sixth Committee

285. As regards the progressive development of international law and its codification, the General Assembly, at its fifty-first session, on the recommendation of the Sixth Committee convened as the Working Group of the Whole, adopted and opened for signature the Convention on the Law of the Non-navigational Uses of International Watercourses (resolution 51/229).

286. Also at its fifty-first session, the General Assembly, on the recommendation of the Sixth Committee, approved the UNCITRAL Model Law on Electronic Commerce (resolution 51/162), prepared by UNCITRAL. The Assembly recommended that all States give favourable consideration to the Model Law when enacting or revising their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based methods of communication and storage of information.

287. At its fifty-second session, the General Assembly, on the recommendation of the Sixth Committee, approved the UNCITRAL Model Law on Cross-Border Insolvency (resolution 52/158, annex). The Assembly recommended that all States review their legislation on cross-border aspects of insolvency to determine whether the legislation meets the objectives of a modern and efficient insolvency system and, in that review, to give favourable consideration to the Model Law, bearing in mind the need for an internationally harmonized legislation governing instances of cross-border insolvency.

288. With regard to the establishment of an international criminal court, the General Assembly, at its fifty-first session, on the recommendation of the Sixth Committee, took note of the report of the Preparatory Committee on the Establishment of an International Criminal Court, including the recommendations contained therein, and decided to reaffirm the mandate of the Preparatory Committee. Moreover, it decided that a diplomatic conference of plenipotentiaries would be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court (resolution 51/207).

289. At its fifty-second session, the General Assembly, on the recommendation of the Sixth Committee, requested the Preparatory Committee to continue its work and to transmit to the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court the text of a draft convention on the establishment of an international criminal court prepared in accordance with its mandate. The Assembly also decided that the conference, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, would be held at Rome from 15 June to 17 July 1998 (resolution 52/160).

290. At its fifty-third session, the General Assembly, on the recommendation of the Sixth Committee, acknowledged the historic significance of the adoption of the Rome Statute of the International Criminal Court on 17 July 1998 at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome (resolution 53/105).

291. During the period under review, work continued on the question of the implementation of Charter provisions related to the assistance to third States affected by the application of sanctions, at the fifty-first to fifty-third sessions of the General Assembly (resolutions 51/208, 52/162 and 53/107).

292. As regards measures to eliminate international terrorism, the General Assembly, at its fifty-first session, on the recommendation of the Sixth Committee, *inter alia*, reaffirmed the Declaration on Measures to Eliminate International Terrorism contained in the annex to General Assembly resolution 49/60 and approved the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism. The Assembly also decided to establish an Ad Hoc Committee (resolution 51/210), *inter alia*, to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments (see sect. K above).

293. At its fifty-second session, the General Assembly, on the recommendation of the Sixth Committee, adopted and opened for signature the International Convention for the Suppression of Terrorist Bombings, prepared by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the working group of the Sixth Committee (resolution 52/164). The Assembly also reaffirmed the Declaration on Measures to Eliminate International Terrorism contained in the annex to Assembly resolution 49/60 and the Declaration to Supplement the 1996 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and called upon States to implement them. It further reaffirmed the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 (resolution 52/165).

294. At its fifty-third session, the General Assembly, *inter alia*, decided to address at its fifty-fourth session the question of convening a high-level conference in 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and also decided that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 would continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism, and elaborate a draft international convention for the suppression of the financing of terrorism to supplement related existing international instruments, and subsequently would address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering, on a priority basis, the elaboration of a comprehensive convention on international terrorism. The Assembly decided to convene the Ad Hoc Committee in 2000 to continue with its work (resolution 53/108).

295. As regards the draft articles on jurisdictional immunities of States and their property, adopted by the International Law Commission at its forty-third session in 1991, the General Assembly, at its fifty-second session, on the recommendation of the Sixth Committee, decided to consider the item again at its fifty-third session with a view to establishing a working group at its fifty-fourth session, taking into account comments submitted by States (resolution 52/151).

296. Also at its fifty-third session, the General Assembly, on the recommendation of the Sixth Committee, decided to establish at its fifty-fourth session an open-ended working group of the Sixth Committee, open also to participation by States members of the specialized agencies, to consider outstanding substantive issues related to the draft articles on jurisdictional immunities of States and their property, taking into account, *inter alia*, recent developments in State practice and legislation. The Assembly also invited the International Law Commission to present any preliminary comments it might have regarding outstanding substantive issues related to the draft articles (resolution 53/98).

297. As regards the principles and guidelines for international negotiations, the General Assembly, at its fifty-second session, on the recommendation of the Sixth Committee, decided to continue the consideration of the question in the Working Group on the United

Nations Decade of International Law during its fifty-third session (resolution 52/155). At its fifty-third session, the Assembly, on the recommendation of the Sixth Committee and based on the work of the Working Group on the United Nations Decade of International Law, reaffirmed the principles of international law of relevance to international negotiations and stipulated several guidelines for conducting such negotiations in a manner consistent with international law (resolution 53/101).

298. As regards the progressive development of the principles and norms of international law relating to the new international economic order, the General Assembly, at its fifty-first session, on the recommendation of the Sixth Committee, decided to resume consideration of the legal aspects of international economic relations at its fifty-fifth session (decision 51/441).

299. A Colloquium on the progressive development and codification of international law to commemorate the fiftieth anniversary of the establishment of the International Law Commission was held at United Nations Headquarters on 28 and 29 October 1997 during the consideration in the Sixth Committee of the report of the Commission on the work of its forty-ninth session. The purpose of the Colloquium was to generate concrete and practical suggestions for enhancing the working capacity of the Commission and for making international law more effective and relevant to decision-making.

M. United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court

300. In 1994, the General Assembly had decided to establish an Ad Hoc Committee to review the major substantive and administrative issues arising out of the draft statute for an international criminal court prepared by the International Law Commission and, in light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries. The Assembly subsequently decided to establish a Preparatory Committee to discuss further the draft statute, taking into account the different views expressed during the meetings, and to draft texts with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries. During the period under review, the Preparatory Committee met from 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 15 March to 3 April 1998.[20]

301. The General Assembly, in its resolution 51/207 of 17 December 1996 (see sect. L above), convened the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, which was held at Rome from 15 June to 17 July 1999, and which resulted in the adoption of the Rome Statute of the International Criminal Court. The Statute envisages the establishment of the Court to prosecute individuals accused of committing genocide, war crimes, or crimes against humanity. The Court will also have jurisdiction over the crime of aggression, which remains to be defined.

302. In accordance with resolution F of the Final Act of the Diplomatic Conference, a Preparatory Commission for the International Criminal Court was established with the task of preparing proposals for practical arrangements for the establishment and coming into operation of the Court, including the finalization of several draft texts. In particular, the

[20] For the report of the Preparatory Committee, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 22* (A/51/22), and A/CONF.183/2 and Add.1, Add.1/Corr.1 and 2, Add.2 and Add.2/Rev.1).

Preparatory Commission is mandated with finalizing the Rules of Procedure and Evidence and the Elements of Crimes by 30 June 2000. In 1998, the General Assembly requested the Secretary-General to convene the Preparatory Commission, in accordance with resolution F, with a view to carrying out the mandate of that resolution and in that connection to discuss ways of enhancing the effectiveness and acceptance of the Court (resolution 53/105). The Preparatory Commission met from 16 to 26 February and 26 July to 13 August 1999 and undertook work on the elaboration of the Rules of Procedure and Evidence and the Elements of Crimes, as well as a preliminary consideration of the question of the definition of the crime of aggression (for its report, see PCNICC/1999/L.3/Rev.1 and PCNICC/1999/L.4/Rev.1). The Preparatory Commission will continue its work at its third session, from 29 November to 17 December 1999.

Annex

Multilateral Conventions adopted under the auspices of the United Nations during the United Nations Decade of International Law[a]

1990

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the Second Meeting of the Parties at London on 29 June 1990.

Second Extension of the International Coffee Agreement, 1983, as modified, adopted by the International Coffee Council by resolution No. 352 of 28 September 1990.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in resolution 45/158 of 18 December 1990.

1991

European Agreement on Important International Combined Transport Lines and Related Installations (AGTC), adopted by the Inland Transport Committee of the Economic Commission for Europe (ECE) at Geneva on 1 February 1991.

Convention on Environmental Impact Assessment in a Transboundary Context, concluded at Espoo, Finland, on 25 February 1991 at the fourth session of the Senior Advisers to ECE Governments on Environmental and Water Problems of the Economic Commission for Europe.

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade, adopted by the United Nations Conference on the Liability of Operators of Transport Terminals in International Trade at Vienna on 19 April 1991.

Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas, approved at the Third Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals at Geneva on 13 September 1991.

Third Extension of the International Coffee Agreement, 1983, as modified, adopted by the International Coffee Council by resolution No. 355 of 27 September 1991.

Amendments to the IMO Convention relating to the institutionalization of the Facilitation Committee in the Convention, adopted by the Assembly of the Organization by resolution A.724 (17) of 7 November 1991.

Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, concluded at Geneva on 18 November 1991.

Amendments to articles 3 (5) and 9 (8) of the Constitution of the Asia-Pacific Telecommunity, adopted by the General Assembly of the Asia-Pacific Telecommunity, held at Colombo on 29 November 1991.

[a] Including multilateral conventions adopted by the General Assembly, as well as other bodies under the auspices of the United Nations, and deposited with the Secretary-General of the United Nations.

1992

Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties on 15 January 1992.

Convention on the Protection and Use of Transboundary Watercourses and International Lakes, concluded at Helsinki on 17 March 1992 at the Resumed Fifth Session of the Senior Advisers to Economic Commission for Europe Governments on Environmental and Water Problems.

Convention on the Transboundary Effects of Industrial Accidents, concluded at Helsinki on 17 March 1992 at the Resumed Fifth Session of the Senior Advisers to Economic Commission for Europe Governments on Environmental and Water Problems.

International Sugar Agreement, 1992, adopted on 20 March 1992 by the United Nations Sugar Conference, 1992, as the successor Agreement to the *International Sugar Agreement, 1987*.

United Nations Framework Convention on Climate Change, concluded at New York on 9 May 1992 at the fifth session, second part, of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

Convention on Biological Diversity, adopted by the Intergovernmental Negotiating Committee for a Convention on Biological Diversity, during its fifth session, held at Nairobi from 11 to 22 May 1992, and opened for signature at Rio de Janeiro on 5 June 1992.

Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, concluded at Madrid on 24 July 1992 at the Second Summit Meeting of Ibero-American Heads of State.

Amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the Conference of the States Parties on 8 September 1992.

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the Fourth Meeting of the Parties at Copenhagen on 25 November 1992.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, adopted by the Conference on Disarmament on 3 September 1992 and opened for signature at Paris on 13 January 1993.

1993

Protocol of 1993 extending the International Agreement on Olive Oil and Table Olives, 1986, with amendments, concluded at Geneva on 10 March 1993 at the United Nations Conference on Olive Oil and Table Olives, 1993.

International Convention on Maritime Liens and Mortgages, 1993, concluded at Geneva on 6 May 1993 at the United Nations/International Maritime Organization Conference of Plenipotentiaries.

Fourth extension of the International Coffee Agreement, 1983, as modified, adopted by the International Coffee Council under resolution No. 363 of 4 June 1993.

International Cocoa Agreement, 1993, concluded at Geneva on 16 July 1993 at the United Nations Conference on Cocoa as the successor Agreement to the *International Cocoa Agreement, 1986*.

Protocol amending article 1 (a), article 14 (1) and article 14 (3) (b) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR), adopted at Geneva on 28 October 1993 by the Conference of the Contracting Parties to the *1957 European Agreement concerning the International Transport of Dangerous Goods by Road (ADR)*.

Amendments to articles 16, 17 and 19 (b) of the Convention on the International Maritime Organization, adopted by the General Assembly of the Organization by resolution A.735 (18) of 4 November 1993.

1994

Convention on Customs Treatment of Pool Containers Used in International Transport, concluded at Geneva on 21 January 1994 by the Inland Transport Committee of the Economic Commission for Europe.

International Tropical Timber Agreement, 1994, concluded at Geneva on 26 January 1994 by the United Nations Conference on Tropical Timber, 1993, as the successor Agreement to the *International Tropical Timber Agreement, 1983*.

International Coffee Agreement, 1994, adopted by the International Coffee Council on 30 March 1994.

Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions, concluded at Oslo on 14 June 1994 at the Special Session of the Executive Body for the Convention on Long-range Transboundary Air Pollution.

Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, adopted by the General Assembly in resolution 48/263 of 28 July 1994.

Agreement to Establish the South Centre, opened for signature at Geneva on 1 September 1994.

Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, adopted at the Ministerial Meeting at Lusaka on 8 September 1994.

United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, opened for signature at Paris on 14 October 1994.

International Grains Agreement, 1995: (a) *Grains Trade Convention, 1995*, concluded at London on 7 December 1994, and (b) *Food Aid Convention, 1995*, concluded at London on 5 December 1994.

Convention on the Safety of the United Nations and Associated Personnel, adopted by the General Assembly in resolution 49/59 of 9 December 1994.

1995

International Natural Rubber Agreement, 1995, concluded at Geneva on 17 February 1995 at the seventh plenary meeting of the United Nations Conference on Natural Rubber, 1994.

Amendment to article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the States parties at their eighth meeting on 22 May 1995.

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of

Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at United Nations Headquarters, New York, on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted at the Third Meeting of the Conference of the Contracting Parties at Geneva on 22 September 1995.

Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects: "Protocol on Blinding Laser Weapons (Protocol IV)", adopted by the Conference of States Parties to the Convention at its 8th plenary meeting of the States Parties on 13 October 1995.

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit, adopted by the General Assembly in resolution 50/48 of 11 December 1995.

Amendment to article 43 (2) of the Convention on the Rights of the Child, adopted by the Conference of the States Parties on 12 December 1995.

1996

European Agreement on Main Inland Waterways of International Importance (AGN), adopted at Geneva on 19 January 1996 by the Inland Transportation Committee of the Economic Commission for Europe at its fifty-eighth session.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on 3 May 1996 by the Conference of the States Parties.

Agreement establishing the Bank for Economic Cooperation and Development in the Middle East and North Africa, done on 28 August 1996.

Comprehensive Nuclear-Test-Ban Treaty, adopted by the General Assembly in resolution 50/245 of 10 September 1996.

Agreement on the Establishment of the International Vaccine Institute, opened for signature at New York on 28 October 1996.

Amendments to articles 6 (6) and 7 (1) of the Statutes of the International Centre for Genetic Engineering and Biotechnology, adopted at the third Session of the Board of Governors at Trieste, Italy, on 3 December 1996.

1997

Protocol on Combined Transport on Inland Waterways to the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 1991, adopted at Geneva on 17 January 1997 by the Inland Transport Committee of the Economic Commission for Europe.

Convention on the Law of the Non-navigational Uses of International Watercourses, adopted by the General Assembly in resolution 51/229 of 21 May 1997.

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted at the Ninth Meeting of the Parties, held at Montreal from 15 to 17 September 1997.

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, concluded by the Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines at Oslo on 18 September 1997.

Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of such Inspections, negotiated by ECE Governments in the context of the Preparatory Committee of the Regional Conference on Transport and Environment, and opened for signature at Vienna on 13 November 1997.

Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted on 23 May 1997 at the Seventh Meeting of the States Parties to the United Nations Convention on the Law of the Sea of 10 December 1982.

Kyoto Protocol to the United Nations Framework Convention on Climate Change concluded at New York on 9 May 1992, adopted at Kyoto, Japan, on 11 December 1997 at the third session of the Conference of the Parties.

International Convention for the Suppression of Terrorist Bombing, adopted by the General Assembly in resolution 52/164 of 15 December 1997.

1998

Protocol on the Privileges and Immunities of the International Seabed Authority, adopted by the Assembly of the International Seabed Authority in Kingston, Jamaica, on 27 March 1998.

Amendments to articles 24 and 25 of the Constitution of the World Health Organization, adopted by the Fifty-first World Health Assembly in resolution WHA 51.23 of 16 May 1998.

Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations, adopted at Tampere, Finland, on 18 June 1998.

Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Heavy Metals, adopted at Aarhus, Denmark, on 24 June 1998.

Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Persistent Organic Pollutants, adopted at Aarhus, Denmark, on 24 June 1998.

Convention on Access to Information and Public Participation in Environmental Decision-Making and Access to Justice in Environmental Matters, adopted at Aarhus, Denmark, on 25 June 1998.

Rome Statute of the International Criminal Court, adopted on 17 July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.

Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted on 10 September 1998 by the Conference of Plenipotentiaries on the Convention in Rotterdam, the Netherlands.

Constitution of the Regional Centre for Space Science and Technology for French-Speaking Africa (affiliated to the United Nations), concluded at Casablanca on 23 October 1998.

1999

International Convention on Arrest of Ships, 1999, adopted at Geneva on 12 March 1999 by the United Nations/International Maritime Organization Diplomatic Conference on Arrests of Ships.

Food Aid Convention, 1999, done at London on 13 April 1999.

Protocol on Water and Health to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, adopted at London on 17 June 1999.